

From: [Susan Davies](#)
To: [DEP, MiningComments2016](#)
Cc: [Bertocci, Cynthia S](#); cynthia.bertocci@maine.gov
Subject: Mining Rules, written comment in opposition
Date: Friday, September 23, 2016 11:07:17 AM
Attachments: [BEP Metallic Mineral Mining rules-S Davies 9-23-2016.docx](#)

Please find my written comments in opposition to MDEP Ch. 200 rules for metallic mineral mining in Maine.

Susan Davies

**Written Comments to the Board of Environmental Protection
Regarding Ch. 200 draft rules**

To: Maine Board of Environmental Protection

From: Susan P. Davies

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Credentials:

M.S aquatic entomology, water pollution biology; ME Dept.
Environmental Protection, retired 2011:

6 years - Maine Water Quality Standards Coordinator,
27 years - biological assessment of condition of river and
stream

March 2012-October 2012 - Employed by the European Commission
to conduct a scientific peer review of implementation of biological
standards in the European Union Water Framework Directive;
Current- Senior Research Associate, Midwest Biodiversity Institute
Columbus, Ohio

Mr. Chairman and Members of the Board.

For the Board's consideration on the draft mining rules before you I will offer several additional points to my September 15, 2016 oral testimony.

1. As a Maine citizen I was offended that Tom Eastler, a member of the citizen's board of environmental protection, presented such a blatantly biased and "dug-in" position at the September 15th 2016 Public Hearing. I do not think it is appropriate for a member of the BEP to directly counter testimony offered by public citizens, during their testimony, in a way that is stridently biased. I observed Dr. Eastler interrupt the testimony of several members of the public during their statements, and counter their statements with his own opinions in support of mining interests. This behavior is damaging to the public's trust that Board members are genuinely receptive to the public's testimony. **Noting that the Public Hearing heard from 23 citizen's OPPOSED to the rules and only one state employee speaking in support of the rules, I ask the Chairman of the Board of Environmental Protection and other Members of the Board to answer as to whether they find Dr. Eastler's publicly biased and confrontational behavior to be an acceptable model for Board Members before the public they serve?**

2. I ask the Department to detail what steps it has taken over the last four years to inform and educate the Legislature about the need for amendments to the Mining Act? At the Public Hearing the Department clearly stated it thinks there are serious environmental problems with The Act. The Department blamed the Mining Act for several elements of their draft rule that the Maine public has repeatedly testified they find environmentally unacceptable. Yet I have heard no indication that the Department has ever gone to the Legislature to recommend revisions to the Mining Act that would better protect Maine's environment and public lands.

As a former Maine Department of Environmental Protection employee I am aware that in the past the Department has fulfilled its mission of "environmental protection" by advising the Legislature when changes are needed in existing statutes, or when new statutes are needed to protect the environment. **Why have the Department and the Board acted helpless over the long contentious saga of the public's adamant and repeated rejection of weak metallic mineral mining rules for Maine, and the Administration's insistence on forcing industrial mining on the State?**

3. According to the 2012 EPA Toxic Release Inventory metal mining accounted for 40% of the 1.9 billion pounds of toxics released into air, water and land in 2011. The list of toxins includes arsenic, mercury, cadmium, lead, and selenium, (https://www.epa.gov/sites/production/files/2014-01/documents/complete_2012_tri_na_overview_document.pdf). The EPA has identified 156 mining sites nationwide that have the potential to cost between \$7 billion and \$24 billion to clean up. 59% of mining sites are estimated to need 40 years of cleanup and mines with acid mine drainage are likely to require water treatment in perpetuity. No mining operations in the world have ever stood the test of time without inadvertent or deliberate excursions of regulations that resulted in serious environmental contamination.

Metallic mineral mining is at the top of the list of the most damaging activities that humans inflict on the natural environment—improved technology has not changed this. As has been offered repeatedly in expert testimony since the Mining Act and rules were introduced 4 years ago, Maine presents a uniquely dangerous situation for metallic mineral mining. Our State' high sulfur geology and wet climate pose an extremely high risk for release of acid rock

drainage into groundwater and surface waters. Prevention of problems ultimately costs far less than salvaging a mess after it has occurred. The “black-eye” to Maine’s invaluable reputation for environmental beauty and purity (and environmental common sense) can never be repaired. The band of potentially exploitable ore deposits spreads across the State. This should worry all Maine citizens.