



**EARTHWORKS**

February 10, 2020

Dear Chairman Lowenthal, Ranking Member Gosar, and Members of the Subcommittee,

Thank you for your interest in Earthworks' 2012 peer-reviewed report documenting the track record of water quality impacts at U.S. copper mines resulting from spills, uncontrolled waste water and tailings dam failures.<sup>1</sup> We submit this letter, and accompanying report, as support documents for the record of the February 5, 2020, Energy and Mineral Resources Subcommittee Hearing on H.R. 5598.

First, our 2012 report reviewed fourteen of the sixteen domestic operating copper porphyry mines, accounting for 89% of U.S. copper production in 2010. The report found that 92% failed to capture and control mine wastewater, resulting in significant water quality impacts. These active mines all had operating and discharge permits, ostensibly meeting current state and federal laws. Yet, problems continue to occur.

Second, we submit our 2019 updated report<sup>2</sup> which reviewed fifteen operating U.S. copper porphyry mines, accounting for 99% of U.S. production in 2015 – the most recent date for which U.S. Geological Survey data are available. This update underscores our earlier conclusions: 14 of 15 (93%) active mines failed to capture and control wastewater, resulting in significant water quality impacts. These unauthorized wastewater releases occurred from varying sources including uncontrolled seepage from tailings impoundments, waste rock piles, open pits, or other mine facilities, as well as water treatment failures, pipeline failures or other accidental releases.

We strongly support developing new technologies and methods mining operations can utilize to prevent the water quality impacts identified in our reports. Unfortunately, current data show these problems are commonplace. We appreciate the Subcommittee's interest in creating a thorough record and basing public policy decisions upon actual, verifiable results. Thank you for your consideration.

*Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.*

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<sup>1</sup> Please see [https://earthworks.org/publications/us\\_copper\\_porphyry\\_mines/](https://earthworks.org/publications/us_copper_porphyry_mines/)

<sup>2</sup> Available at [https://www.dropbox.com/s/ln7glop8x1ouvgk/FS\\_Pebble%20-%20FAILURE%20TO%20CAPTURE%20AND%20TREAT%20WASTEWATER%20copy.pdf?dl=0](https://www.dropbox.com/s/ln7glop8x1ouvgk/FS_Pebble%20-%20FAILURE%20TO%20CAPTURE%20AND%20TREAT%20WASTEWATER%20copy.pdf?dl=0)