

Abandoned mines are polluting the West, but groups fear cleanup liability

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Thousands of abandoned mines across the western United States are contaminating the headwaters of almost half of the region's rivers with toxic discharge.

The contamination is pronounced now with the melting of mountain snow, which takes with it toxic acid, arsenic, cadmium, copper and zinc as it flows into watersheds.

In Colorado, at least 450 abandoned mines are known to be leaking contaminants, and 1,300 miles of streams have been affected. State environmental officials have declared some headwaters and creeks "biologically dead" and "virtually devoid of any aquatic life."

There is little movement toward cleanup of the region's waters, though, because watershed groups, mining companies and state agencies all fear legal liability of cleaning up the region's 500,000 abandoned mines. A provision in the Clean Water Act states that those who work to clean up abandoned mines but accidentally make the situation worse could be liable for polluting waters without a permit.

The Obama administration said it would work to change the provision, but last week Interior Secretary Ken Salazar said the issue remains at a standstill.

"There's a significant lack of funding to be able to move forward at the moment, but we remain committed to the proposition that these abandoned mines need to be cleaned up," Salazar said.

U.S. EPA attempted in 2007 to partially exempt watershed groups from the national Superfund law but did not address the Clean Water Act. U.S. Sen. Mark Udall (D-Colo.) has pushed for a legislative change to protect "good Samaritans" from being punished for cleanup.

EPA "might be able to assure good Samaritans that they might be safe from potential liability," Udall said. But "you need legislative change. That would really unleash good Samaritans to go to work."