

The real culprit in the Animas River spill

By Lauren Pagel

🕒 Updated 12:56 PM ET, Thu August 13, 2015



14 photos: EPA spill turns Animas River orange

An EPA worker takes a water reading in the Animas River near Durango, Colorado, on Friday, Aug [river reopened for recreational use Friday afternoon](#) in La Plata County, Colorado, where an EPA closed the waterway with mine waste on August 5, authorities said.

1 of 14

Story highlights

Lauren Pagel: 143-year-old law doesn't require or fund cleanup for 500,000 inactive mines in U.S.

She says a bill pending in Congress will fix this;

Editor's Note: Lauren Pagel is the policy director at Earthworks, a national nonprofit advocacy organization focused on protecting communities and the environment from the adverse impacts of mining. The opinions expressed in this commentary are hers.

it's urgent that it be passed

(CNN)—Last Wednesday, the United States experienced one of its worst hardrock-mining-related disasters in decades, and I wish I could say that I was surprised.

A gold mine that has been inactive since 1920 spilled 3 million gallons of toxic mining waste into the Animas River in Colorado after contractors working for an Environmental Protection Agency cleanup team using heavy equipment accidentally sent it flowing into the waterway. The spill has spread from Colorado into New Mexico and now into Utah -- affecting over 100 river miles.



Lauren Pagel

disaster from a failed cleanup like the one that occurred last week, to more persistent water pollution issues, and the ever-present danger of improperly secured underground mines that pose a serious threat to public safety. [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.



Related Video: Colorado declares state of emergency on Animas River 01:27

What the headlines and photos of bright orange rivers fail to convey is that this mine and thousands of others like it across the country perpetually leak this type of mine pollution into our waters.

If there is anything I have learned from the past 15 years of working on this issue, it's that absent strong regulations and better-designed mines, mining companies will continue to pollute with impunity.

Earthworks [estimates](#) that there are over 500,000 abandoned and inactive hardrock mines strewn across the country, with a hefty price tag attached to their clean up -- \$50 billion, according to an EPA estimate.

Western communities face significant burdens associated with these old mines -- ranging from a

disaster from a failed cleanup like the one that occurred last week, to more persistent water pollution issues, and the ever-present danger of improperly secured underground mines that pose a serious threat to public safety. [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.

Unfortunately, in the 25 years since Earthworks first published our report on the legacy of abandoned mines, not much has changed. The reason for the lack of action is the antiquated law, 143 years old and counting, that still governs hardrock mining on public lands throughout the West.

President Ulysses S. Grant signed the 1872 Mining Law to help settle the West. And even though the West has surely been settled, this law is still on the books -- unchanged. It 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.

This archaic law is why funds to clean up mines like Gold King remain limited, despite the magnitude of the problem, putting safe drinking water and our healthy environment at risk. A steady stream of long-term funding for hardrock mine cleanup, similar to the coal industry's abandoned mine fee, is essential to dealing with the scope of the problems we face from mine

pollution.



Early tests on Animas River show little threat to fish 02:03

U.S. Rep. Raul Grijalva, D-Arizona, has [introduced legislation](#) that would bring mining law into the 21st century. It would charge the mining industry a modest reclamation fee that would generate \$200 million per year to fund abandoned mine restoration and create an estimated 13,000 annual jobs. HR 963, the Hardrock Mining Reform and Reclamation Act of 2015, can protect communities, precious water resources and help avert future disasters.

Westerners should stand up and take notice: Our communities are at risk. This is not our first mining disaster and it won't be the last. Until we tackle the root cause of mining pollution and modernize the 1872 mining law, we are gambling away our most precious resource, water.

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Of course, an archaic law made the EPA do this.

I didn't expect that ...

Wayne

Luvsiusous

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John Redmond Aug 18, 2015

this article fails to mention that the EPA strong armed their way onto the property unconstitutionally and threatened the owner. the owner sent a letter to the EPA warning of the dangers created by the negligence of the EPA. this letter and the mine owner interview is available by the local network Silverton standard. Sorry CNN but people need to know the real truth and not agenda 21 propaganda.

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[@Charles Moakler](#) GIVE all the EPA leadership to the Chinese, and let the Chinese sell more body parts?

Wayne

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#orangefishmatter

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No matter the cause, whether it be human or not, this is disgusting.

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need to investigate the Kinross Gold Corp Sunnyside mine that is the cause of the drainage in this mine and many others in the vicinity - it contains billions of gallons compared the estimated 3 million of this spill - the EPA has refused to tackle the Sunnyside mine or bring actions against Kinross after that mine was unsuccessfully bulkheaded resulting in it overflowing into the other local mines - demand the EPA address the Sunnyside mine

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see

www.tips.osmre.Gov/newsroom/success_stories/2012/2012jun-28-Full.pdf

three adjacent mines still are still leaking more than 540 gallons per minute of waste laced with heavy metals into Animas River headwaters.

and more

jonathanpthompson.blogspot.Com/2015/08/the-nitty-gritty-context-behind-gold.html

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William Kevin Aug 14, 2015

So the correct answer was to keep ignoring the problem caused 100-years ago so as to avoid any responsibility.

That's the American way alright.

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[@William Kevin](#) The EPA's answer was to do something that made the problem 100x worse. Now I bet they are going to demand more money and power in order to fix it. That's the government way.

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