

For Immediate Release

April 27, 2020

Contact: Alex Falconer (612) 419-3423

SAVE THE BOUNDARY WATERS

ICYMI:

Federal changes to Clean Water Act would leave the Boundary Waters even more vulnerable

ELY, MN- The Environmental Protection Agency (EPA) is in the final stages of finalizing changes to Clean Water Act regulations that would leave the Boundary Waters Wilderness highly vulnerable to pollution and permanent damage. The Wilderness is already under extreme threat from Chilean mining conglomerate Antofagasta's Twin Metals' sulfide ore copper mining proposal, but proposed changes to the Clean Water Act would make widespread and permanent damage a certainty. The proposed changes would weaken state and local oversight and limit the scope of pollution that could be regulated.

The Star Tribune [reported](#) this weekend that:

The changes come at a critical time for Minnesota with one of the most controversial mine projects in the state's history entering the regulatory review process. The huge sulfide ore copper-nickel mine that Chilean mining giant Antofagasta and its Twin Metals subsidiary want to build just outside the Boundary Waters will dig up 20,000 tons of ore per day.

The project could require an EPA Section 401 water quality certification if it's determined that the mine could damage water quality in the Boundary Waters, where even motorized fishing boats aren't allowed.

The Boundary Waters area enjoys special protections in Minnesota, which deems it an "outstanding resource value water" in state law.

Katrina Kessler, assistant commissioner of the Minnesota Pollution Control Agency (MPCA), called the proposed Section 401 changes “a big concern for Minnesota.”

Kessler sent the EPA a comment letter last October after the agency first proposed the changes, saying the proposed rule “would leave us unable to address the potential water quality concerns in or near the Boundary Waters Canoe Area Wilderness.”

In an interview, Kessler said that Minnesota’s stricter standards would be overruled and the state “would only be directed to protect to a very low bar.”

The agency issues roughly a dozen 401 certifications a year for a range of projects.

The proposed changes set a one-year time limit for local reviews while allowing federal agencies to demand even faster turnaround. They also allow federal agencies to veto what states and tribes decide. Finally, they squeeze down the scope of reviews to a specific point source discharge from a project, such as waste water draining from a pipe into navigable waters, as opposed to considering broader impacts on an ecosystem from runoff and ditches.

The focus on point source discharge is a “big area of concern for us,” Kessler said, because it excludes impacts from a project’s air emissions, such as mercury.

Becky Rom, national chairwoman of the Campaign to Save the Boundary Waters, said she thinks the restrictions would also exclude potential leakage into groundwater from the huge mine tailings dump that Twin Metals will leave permanently on site, as well as dust polluted with heavy metals -like mercury - blowing off the waste mound and pumped out in the exhaust vented from the underground mine. The tiny particles float in the air and get deposited back onto the land, lakes, streams and wetlands.

“Industry gets a free card on this,” Rom said.

Since taking office in 2017 the Trump Administration has systematically shredded protections for the Boundary Waters, America’s most popular Wilderness. From arbitrarily reinstating

dangerous mineral leases to canceling studies on the impact of sulfide ore mining on the Wilderness to now changing the rules to make it easier for mining companies to pollute and harder for states to regulate, this Administration is doing everything it can to pave the way for this toxic project to move forward.

###