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Civil Society groups conduct Fact-Finding Mission on Philex Mines' tailings pond leaks Baguio City

The series of reported tailings leaks in Philex's Mining Corporation's Tailings Pond 3 (TP3) from August 1-30, had prompted a third party independent fact-finding mission from September 16-17, 2012 in the town of Benguet where the operations of Philex Mining Corporation is located.

The probe was spearheaded by the Philippines National Secretariat for Social Action (CBCP NASSA) and the Climate Change Congress of the Philippines (CCCP) joined by representatives of Philippine-Misereor Partnership and its Northern Luzon Cluster, Social Action Center of Baguio, Cordillera Peoples Alliance, Peace Foundation, Pambansang Kaisahan ng mga Magbubukid ng Pilipinas, and Katribu Indigenous Peoples' Partylist.

First in its itinerary for field –based investigation is an ocular inspection in the site of the tailings dam and outlying affected communities located inside the Philex Mines compound which can only be accessed through the main gate located at Barangay Ampucao , Benguet. Although prior communicated to the mining company and different government line agencies, the FFM team was vehemently denied entry by the security personnel of Philex's outpost. All forms of vehicles and passengers and mining compound residents going in and out of the heavily guarded premises are subjected to tight security inspections. Members of the fact-finding team were also told that cameras and video equipments are strictly prohibited inside the compound.

To gather first hand information on the impact of the mine leaks, and to help identify major problems, concerns and recommendations to address the situation, the fact-finding team proceeded to conduct interviews with local government officials in Itogon, Benguet; San Roque Power Corporation, National Power Corporation, the Cordillera regional offices of Mines and Geo-sciences Bureau (MGB) and Environment Management Bureau (EMB), and the Bureau of Fisheries and Aquatic Resources (BFAR)-Region 1 office.

The Mines and Geosciences Bureau (MGB) has earlier reported that on August 1, 2012, TP3 suffered a tailings spill where the tailings breached the lower portion of Penstock A and discharged tailings into the Balog River, a tributary of the Agno River. This was followed by three more major occurrences of tailings leaks up to August 30. The Environmental Management Bureau (EMB)-CAR estimated the volume of tailings discharged from August 1-14 at 6 million metric tons. To date, neither Philex mines nor the Mines and Geosciences Bureau have come out with an updated estimate on the total volume of the tailings that has already been discharged from TP3.

EMB-CAR's results of laboratory analysis of water samples gathered on August 3 from the TP3 reveal that the Total Suspended Solids (TSS) from water sample from Penstock

A is 89,710 miligrams per liter and 4,704 mg/L from Penstock B. According to Professor Alex Luis, Chief of the EMB-CAR Pollution Control Division, "the figures are way beyond the 50 mg/L per day maximum TSS level allowed for Philex's operations." This has prompted EMB-CAR to issue a Notice of Violation to Philex Mining Corp. for violating R.A. 9275 or the Philippine Clean Water Act of 2004 and its Implementing Rules and Regulations, which in turn was the basis of MGB's suspension of Philex Mining Corp.'s operations.

According to Itogoon Mayor Oscar Maingpes Camantiles, the tailings leaks has affected the livelihood of more than 34 families living downstream of the Agno river in sitios Pangbasan, Pao and Daynet. Through interviews with Mayor Camantiles and some of the affected families, the fact finding group has learned that the residents of the said villages could no longer catch fish from the Agno River and the San Roque Dam since the fishes have "left" their fishing grounds due to murky waters. They also confirmed earlier reports of trees and plants destroyed by the surge of tailings from TP3. Mayor Camantiles added that " For over a month now, the people could not continue with their gold panning activities until the water level goes down."

Throughout the interviews with local government officials, affected residents, and the EMB, the fact finding mission was told that "The breach in Philex mines' Tailings Pond 3 has not been resolved up to this day. Thus, tailings from TP3 continue to flow to the Balog and Agno rivers leading to the San Roque Dam that serves as catch basin for the tailings from TP3."

While the extent of the breach in Philex Mining Corp.'s TP3 structure is not yet known, Eddie Amuasen, barangay captain of Ampucaao, Itogon, described the hole being plugged by the company to be really huge and that the company attempted to plug the leak using bulldozers and other heavy equipment but even this did not work. "The heavy equipment went through the hole and were found in Balog River," said Amuasen.

The fact finding group has also learned that Philex mines has not complied with safety standards for the building and operations of its TP3. On June 19, 2012, Itogon's Municipal Engineer Charlie Gayasco issued a Notice of Illegal Construction to Philex Mining Corp. through Mr. Libby Ricafort, Resident Manager stating that the Philex Mining Corp. has made an "Illegal Construction/Excavation of Spillways at Dams 2 and 3 in violation of Section 301 of the National Building Code and is thereby advised to stop immediately all illegal structure/s activities."

Mayor Camantiles also said "Philex Mining Corp. has been issued an ECC and has been operating even without completing the requirements of the local government and business permit from Itogon municipality."

"Philex Mining Corp. has not yet paid its accumulated tax obligations for Business Tax and Mayor's Permit Fee which, for the year 2011, amounts to 158,138,210.44 Pesos," added Camantiles.

Results of the fact finding mission with recommendations on how to address the problem will soon be released and presented to stakeholders, including Philex Mining Corp. and concerned government agencies for proper action.

In a press conference earlier, CPA iterated its call for a permanent closure of Philex mining operations, as efforts to repair Tailings Pond 3 are inutile since the tailings pond has already exceeded its lifespan of 18-20 years. TP3 was commissioned in 1992 and should have been decommissioned as early as 2010. “Unless Philex’s operations are stopped there will always be looming catastrophe. The collapse of TP3, the continuing massive sinking and land subsidence in Mankayan due to Lepanto operations, apart from the Marcopper and Lafayette tragedies are all proof that there is nothing safe, responsible and sustainable in large mining,” said CPA Deputy Secretary General Santos Mero. #

References:



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