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Polluted river downstream from the San Finx mine

VIDE E RIA



A Coruña | Spain

# Minas de San Finx

The mine has a long history of heavy metals pollution, affecting the Muros - Noia estuary and shellfish gathering areas. It reopened in 2009 lacking environmental impact assessment and leaving abandoned tailings dams without restoration. Several criminal proceedings are ongoing on charges of pollution and corruption.

## Project factsheet

**Status** Suspended underground mine

**Concession** Xunta de Galicia AC/C/124, 127, 253, 335, 336, 586, 607, 783, 1038, 1092, 1027, 1218, 1219, 1240, 1241, 1323, 1461, 1529, 1687, 6091

De facto abandoned between 1990 and 2007 with concessions kept in force illegally. Reopened in 2009 operating until 2013 (owner went bankrupt). Acquired by Sacyr in 2015 but forced to suspend works in 2018 due to lack of permits. Operations have remained suspended since.

Minerals: Tungsten, Copper, Tin

The deposit also features radioactive minerals, including uranium.

## Environmental infringements

- River/stream pollution
- AMD (Acid Mine Drainage)
- Noise/vibration pollution
- Agriculture/fishery
- Water use / availability
- Mismanaged mine waste facility (MWF)
- Absence of restoration
- Impacts on Natura 2000
- Public health impacts
- Cultural heritage

In an Open letter sent by over 230 European NGOs to the European Commission in 2020, the San Finx mine is mentioned as an example of "systemic non-compliance in relation to mining operators across EU Member States".

Heavy metal pollution from mine drainage and waste dumps significantly affects the contiguous stream and the Muros - Noia estuary (a Natura 2000 area), which is just 7 km downstream. The estuary is an important shellfish gathering area that provides livelihood to over 1,500 families. Cadmium, copper and zinc concentrations are above maximum allowable limits. Cadmium is a known carcinogen.

Since the mine reopened in 2009, mine drainage is discharged directly into the river in absence of discharge permit or any effective treatment. Two tailings dams remained abandoned and in risk of critical failure. Other previous mine workings including pits and shafts remain unrestored and pose significant risk. Underground works have affected a disturbance to nearby communities due to blast-induced ground vibration and lowering of the water table. The waste dump affects the remains of a medieval chapel.

## Permitting, impact assessment and restoration

- Lack of (transboundary) EIA
- Inadequate restoration plan
- Lack of financial guarantees
- Administrative neglect
- Corruption regarding administrative misconduct

In 2009 a new mine development project and a restoration plan were approved without running them through an environmental impact assessment. These projects failed to address pollution

associated with acid mine drainage and had no provision for its treatment prior to discharge into a nearby river. They also excluded environmental liabilities from the restoration plan, such as abandoned mine tailings dams, waste dumps and old workings. A financial guarantee of just 178,000 Euros was imposed, which is insufficient to cover such liabilities.

Since 2009, authorities ignored continuous mine drainage discharges which led to illegal concentration of heavy metals in affected rivers and never imposed sanctions or forced the mine to adopt mitigation measures. Only in 2016 was the mine forced to request a discharge permit. The discharge authorisation procedure was kept open for years (and still is 2023) in an attempt to avoid imposing fines.

Public authorities attempted to cover-up pollution and the exclusion of mine tailings dams by issuing reports in which the existence of a "natural background level" was claimed and the tailings dams were said to be part of an inexisting hydroelectric power plant, and later on that they served a water mill. Criminal proceedings followed. Administrative neglect allowed the mine to operate within flooded levels in absence of a discharge permit and beyond what the 2009 project had contemplated, and sustaining that a environmental impact assessment was not required.

## Civil rights and corporate counterinsurgency

- Freedom of Information obstacles
- Obstacles in public participation
- Obstacles in access to justice
- Eviction or land occupation
- Social engineering

Absence of environmental impact assessment at the time projects were approved in 2009 excluded the possibility of public participation. Only in 2016, when a water discharge permit was processed, did the public become aware of the magnitude of ongoing heavy metal pollution.

The mining administration prevented timely access to environmental information and continues to prevent the appearance of affected communities and ENGOs in existing administrative proceedings. During criminal proceedings involving legal breaches connected to the mine, ENGOs right to free legal aid was initially denied and was only secured after judicial appeal.

Since 2009, the mine has sustained ongoing conflicts with surrounding common land communities that claim their ancestral lands are being illegally occupied. In 2016 an arson attack that burnt 10 hectares of community lands was associated with the conflict.

The mine has facilitated the creation of a mining museum in which only a positive view of the activity is presented and unsubstantiated statements on the mine's past are made. Children from nearby schools (including those from the shellfish gathering communities in the estuary) are often toured around the museum, which has been highlighted as a tourist attraction. Over 2 million euros of public funds have been used in relation to the mining museum.

## Working conditions and labour rights

- Lack of work related diseases recognition
- Misuse of workforce to coerce activists

Tungsten San Finx S.L. was one of the few mining companies in Spain that attempted to prevent the modification of legislation on work-related diseases so that cancer produced by exposure to silicon carbide would not be legally classified as an occupational disease.

Radiological protection legislation was ignored by both the mining company and the public administration ever since the mine reopened in 2009, failing to carry out radiation studies and to adopt measures for the radiological protection of workers. In 2021 the Nuclear Safety Council required that a radiation safety assessment must be carried out.

In 2012 Incremento Grupo Inversor S.L. declared bankruptcy and left mine workers' wages unpaid, leading to a lock-in. A number of serious accidents have also been documented, in one instance leading to criminal proceedings against the company.

When the mine restarted its activities in 2016, workers were often pitched against local communities and were asked to appear in local council meetings when environmental pollution by the mine was being questioned. In the same year, an arson attack on one of the adjacent communities was associated with the ongoing conflict.

## Public funding

- EU funding
- National funding

Between 2009 and the bankruptcy declared in 2013, the San Finx mine received over 2 million euros in public subsidies. This happened in spite of technical reports by independent reviewers questioning their feasibility of the mine. Part of the subsidies, including EU funds, were never accounted for. Later, Sacyr was able to sustain operations between 2015-17 through R&D financing from the Spanish Ministry of Industry-CDTI, receiving another 2.5 million euros. EU funding was also provided through Horizon 2020 and EIT programmes.

## Use of complaint mechanisms

- Administrative complaint(s)
- International remedies
- Criminal proceedings

Criminal proceedings against the mine for pollution were initiated in 1987 to be discontinued in 1992, when the mine had been de facto abandoned. In 2017 the public prosecutor initiated new criminal proceedings involving possible crimes of environmental corruption and pollution, leading to formal charges and the dismissal of the head of the mining administration. Several criminal proceedings remain ongoing. Procedural infringements in these procedures brought about a claim at the European Court of Human Rights in 2021 following an appeal to the Spanish Constitutional Court.

Hundreds of administrative observations, requests and appeals have been filed with the responsible public bodies in recent years while breaches regarding rights of public participation and access to information led to a formal complaint to the UN Aarhus Convention Compliance Committee. [...]

Full text, references and more case studies on [minob.org](http://minob.org). Or scan the QR code on top of this page for direct access.



Shellfish gathering in the Muros-Noia estuary, 7 km from the mine

PEDRO LOSADA

## Proprietaries (owners since 1960)

