

“Balkanka” Association, Sofia, Bulgaria
“Nature has all the time in the world, we do not”.

COMPLAINT

TO

THE IMPLEMENTATION COMMITTEE OF THE ESPOO CONVENTION

CONCERNING FAILURE TO COMPLY WITH THE CONVENTION



Krumovitsa River under the Ada tepe gold mine 2021



Representative for this complaint:

dipl.eng. Dimitar Koumanov,
Member of the board

Sofia, Bulgaria
14.08.2023

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ACRONYMS:

<i>MOEW</i>	- Ministry Of Environment and Waters of Bulgaria
<i>RIEW</i>	- Regional Inspectorate/s of Environment and Waters
<i>RBD</i>	- River Basin Directorate/s
<i>EARBD</i>	- East Aegean River Basin Directorate in Bulgaria
<i>WA</i>	- Water Act
<i>EIA</i>	- Environmental Impact Assessment
<i>AA</i>	- Appropriate Assessment
<i>RBMP</i>	- River Basin Management Plan

I. IDENTITY AND CONTACT DETAILS

1. Name of complainant:

“Balkanka” Association, Sofia, Bulgaria

2. Sector / field of activity and location(s) where active:

“Balkanka” Association is a non-profit, non-governmental organization, registered in Bulgaria for action in public benefit, on 07 August 2013, company file 203/2013 of the Sofia City Court, UIC 176566443. The main objectives of “Balkanka” are protection and conservation of river biodiversity, with a focus on conservation and restoration of indigenous Balkan brown trout /*Salmo trutta*/ populations in Bulgarian rivers.

3. ADDRESS OR REGISTERED OFFICE

3.1. Surname and forename of complainant:

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4. Correspondence from the Committee can be sent to the complainant

5. Parties and public bodies alleged not to have complied with the Convention:

The Ministry Of Environment and Waters of Bulgaria (MOEW).

II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF THE CONVENTION

A. The new Ada tepe gold mine

In operation since 2019 this mine is located close to the Krumovitsa River, tributary to the transboundary Arda River in the municipality of Krumovgrad, Eastern Rhodope Mountain in Bulgaria. Procedure under the Espoo Convention was carried out and the affected Greek party has agreed on the project's implementation in a Verbal Note No 3280/21/AS 1472, which can be found here:

[https://dams.reki.bg/uploads/Docs/Files/ADA TEPE ESPOO LETTER GREECE.pdf](https://dams.reki.bg/uploads/Docs/Files/ADA_TEPE_ESPOO_LETTER_GREECE.pdf)

In the autumn of 2021 a thorough study on the performance of the mine was carried out by Balkanka Association and hydro morphological and biological reports were completed and shared with the EBRD - the bank that has financed the project. The main problem discovered was that under the mine the bottom of the Krumovitsa River was covered with a thick layer of sludge /see the picture on the front page/ and the sediments were polluted with arsenic and nickel over the available in many countries /pitifully not in the EU/ EQS for river sediments, while such polluted sludge was not discovered upstream the mine at all.

The full hydro morphological report can be found here:

[https://dams.reki.bg/uploads/Docs/Files/ADA Tepe HydroMorphoReport Krumovitsa FINAL2.pdf](https://dams.reki.bg/uploads/Docs/Files/ADA_Tepe_HydroMorphoReport_Krumovitsa_FINAL2.pdf)

The most important facts discovered were that surface waters from the mining area were dumped directly into the river in breach of the conditions in the EIA report and in the relevant permits, issued by EARBD.

The Regional Inspectorate for Environment and Waters (RIEW) in the town of Haskovo informed us that a thorough inspection of the mining area took place on 25 November 2020. The inspection discovered that surface waters in the mining area are discharged directly into the river during rainfall, without any treatment whatsoever. The letter of RIEW Haskovo /in Bulgarian/ can be downloaded from the following link:

[https://dams.reki.bg/uploads/Docs/Files/ADA Tepe RIEW ANSWER.pdf](https://dams.reki.bg/uploads/Docs/Files/ADA_Tepe_RIEW_ANSWER.pdf)

On page 2 of the RIEW letter the following statement can be found:

"The north and the south sumps are divided in two with concrete partitions and drainage waters from the working cells are getting into the right hand part, while non-contact rain water from the area of the site remaining intact from the construction, are getting into the left hand part of the sump.

If need be, non contact rainwater can be diverted through an open concrete channel to the Krumovitsa riverbed...

... At the connection point of the rainwater channel to the southern sump there are traces of discharge due to the last rain...

On 20.01.2021 EARBD has carried out another inspection and the results can be found here:

[https://dams.reki.bg/uploads/Docs/Files/ADA TEPE EARBD REPORT.pdf](https://dams.reki.bg/uploads/Docs/Files/ADA_TEPE_EARBD_REPORT.pdf)

The most important EARBD official findings are marked in the document. These are:

1. There are 13 /thirteen/ existing points of rain wastewater discharge from the mining area into the surface water body Krumovitsa River - two points at the sumps and eleven additional points at the ditches surrounding the mining area...
2. Based on EIA decision No 18-8/11/2011 of MOEW where "Zero Discharge" is granted, the EARBD director (competent in this case), finds that the discharge of untreated

surface rainwater into the Krumovitsa River is in contradiction with article 132 of the Water Act and exceeds the parameters set forth in the Water Permit for the usage of the Krumovitsa River for waste water discharge.

3. In Water Permit No 33140188/21.08.2015 only one point of waste water discharge is defined - below the city of Krumovgrad, and all the other points of discharge are beyond the approved parameters.
4. Based on these facts and circumstances, there is a discrepancy between the activities described in the EIA Report.
5. The above is confirmed by a RIEW Haskovo's letter No ПД 1491(3)/08.12.2020 to the Deputy Minister of Environment and Water, which states that in the EIA Report and in MOEW EIA Decision No 18-8/11/2011 the discharge of non-contact surface rainwater is not allowed.

EARBD has also checked the sediments and the **iron contents** in the sludge (not tested by Balkanka) according to the EARBD report are really scary! The results show roughly 43 grams of iron per kilogram of sludge!

The Balkanka hydro morphological report holds evidence of many other violations, but the main fact is that surface waters from the mining area were dumped without the necessary permits and treatment into the Krumovitsa River in violation of the EIA Report agreed on by the affected party Greece.

One of the requirements stated in the Greek Verbal note under the Convention is that once a year after the commencement of the project a report in English shall be sent to the Hellenic Ministry of Environment Energy and Climate Change with the results of the water quality monitoring, holding full descriptions of the analysed stations, parameters and methods. Obviously the RIEW Haskovo and the EARBD monitoring reports didn't reach the Greek party, which means that the party of origin does not fulfill its obligations.

Conclusion:

The above facts are in large violation of the terms in the agreement of the affected party Greece, stated in the Verbal note, and the Greek party was not informed in due course. Luckily for the party of origin, the poisonous sludge was washed away during a flood in January 2021 only to reach the border of the affected party. In this way article 7 and article 8 of the Convention were breached.

Finally, in the light of the threats, described in the following section No3, it may be useful for the recipients of this document to watch the full beauty of the Ada tepe mining area and the Krumovitsa River in the following short video, always having in mind that the area falls within the boundaries of Natura 2000 Habitats Directive site "Rodopi - Iztochni" BG0001032:

https://www.youtube.com/watch?v=D5Qif_H2zsk

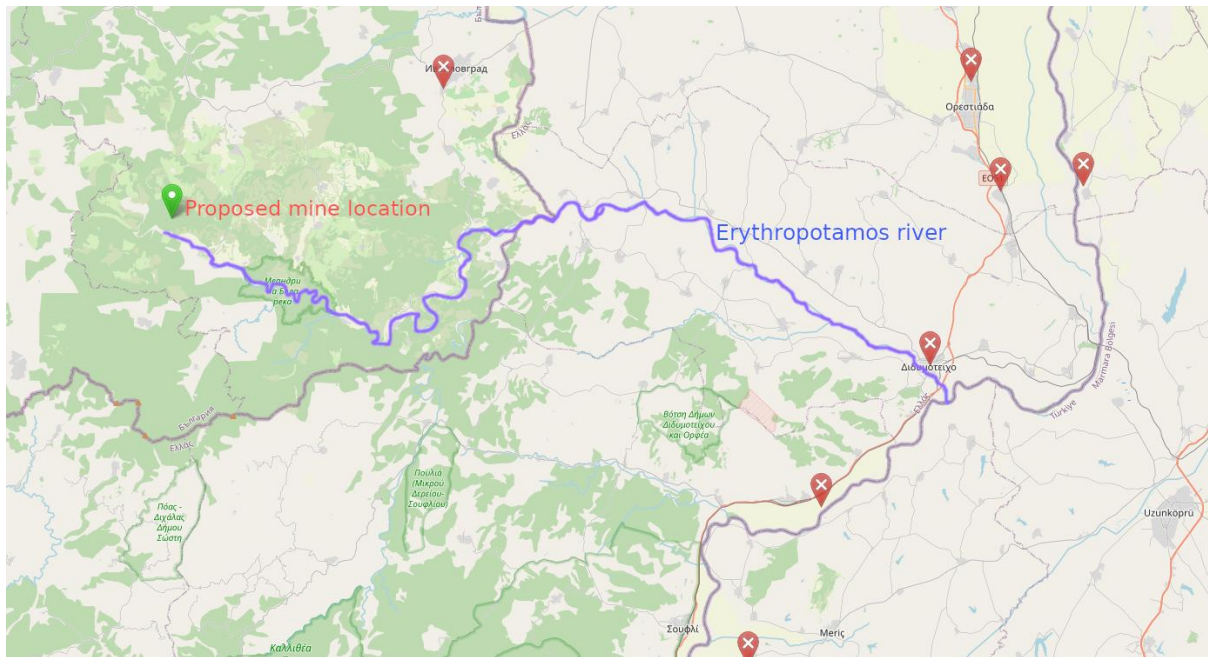
B. The new Gold mine "Tintyava":

This mine will be developed between the villages of Rozino and Gugutka, Ivaylovgrad Municipality in Bulgaria, close to the border with Greece, in the catchment area of the Byala reka River. According to the East Aegean RBMP the surface water body "**Byala reka and its tributaries**" **BG3MA100R270** and the groundwater body **BG3G000PtPg049** are transboundary.

The Byala reka River (Erythropotamos in Greece) is running in Bulgaria through Natura 2000 Habitats Directive Site "Rodopi - Iztochni" BG0001032, and enters Greece to flow into the Maritsa River which marks the border between Turkey and Greece and reaches the Greek National Park "Delta Evrou" at the Aegean Sea...

The mine is part of the much bigger "Rozino" deposit which will be further developed at a later stage to an unknown for the moment number of new mining fields.

MAP: Showing the location of the proposed mining site and Erythropotamos (Byala reka) river. The location of the mine is less than 15 km away from the Greek border.



The ore mining and processing will include open pit extraction of sulphide polymetallic ores with blasting, ore storage site, open piles for mining waste disposal, tailings pond, crushing and flotation of the ore for the preparation of metal concentrate, which will be taken to a factory for final extraction of the metals etc. etc. Here is some additional data for the project:

- The area of the mine proposed is 304,47 hA(hectares)
- 1,750,000 tons of ore will be processed per year
- Flotation will be used for initial processing of the ore
- Chemicals such as MIBC, PAX (Potassium amyl xanthate, EC No. 202-329-5), AERO 404 PROMOTER (Hazardous in categories H290, H314, H318, H317, H401 and H411 - Toxic to aquatic life with **long lasting** effects), 4-Methyl-2-pentanol (CAS No. 108-11-2), FennoPol E 1416 will be used for the flotation.
- **Cyanide** will be used for processing of the concentrate in an external factory in the town of Kardzhali. The town is located along the **river Arda, which subsequently flows into Greece as well**. (This information was taken from the investor's Prefeasibility study available on their website)
- 8,575,000 tonnes of tailings will be dumped into the pond, the height of which will reach 360 metres to cover an area of 482.6 decars in the riverbed of the small Yuren dere River
- The processed ore remains are planned to be returned back into the open pit, which is situated less than 1 km away from the Byala reka River.
- The Byala reka river (Erythropotamos) flows into the Republic of Greece between the villages of Polia and Avdella in the area of Didymoteicho.

It should also be noted that the ground water body BG3G000PtPg049 is formed by Crack and Karst waters in the Proterozoic, according to Appendix No. 21 to Section 1 of the actual East Aegean RBMP, which means that every single drop of rain and melted

snow that will fall into the open pit will drain into the groundwater with no problem at all.

The project is at the stage of a screening decision by the Bulgarian "competent" Regional Inspectorate of Environment and Waters /RIEW/ "Haskovo" completed and shared with the investor. The East Aegean River Basin Directorate /EARBD/ has also announced the project permissible acc. to the RBMP.

The developer's notification and full description of the activity, together with the relevant screening decision of the "competent" RIEW Haskovo are available here:

<https://registers.moew.government.bg/ovos/lot/43633>

Statement for compliance with the measures in the East Aegean RBMP, issued by EARBD, can be found here:

[https://earbd.bg/files/File/Stanovishta_dopustimost/2023/May/%d0%9f%d0%a3-01-183\(5\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2023/May/%d0%9f%d0%a3-01-183(5).pdf)

In the above documents the instructions of the "competent" RIEW Haskovo and EARBD for the preparation of the future EIA and AA reports do not hold a single word about assessment of the potential transboundary issues which will inevitably take place.

Both the Surface Water Body "Byala reka River" and the Groundwater Body in the area concerned are transboundary and there is not a word about this fact in the papers of RIEW Haskovo and EARBD.

In fact, the transboundary groundwater body BG3G000PtPg049 is the same under the Ada tepe mine described in the previous section and it is the same under all the other future mining activities in the area of Krumovgrad and Ivaylovgrad municipalities, which will be discussed in the next section, but there is not a single word about the potential cumulative and transboundary effects, regardless of the fact that in Bulgaria we have registered cases of drinking groundwater pollution caused merely by the drilling for the search of metal ores. Nevertheless, the "competent" EARBD in its paper states that they are not aware of any other similar activities and of the potential threats for water pollution in the area concerned.

Another very useful source of information is the *Rozino Gold Project - pre-feasibility technical report*, prepared by the developer - *Velocity minerals* and available here:

[https://velocityminerals.com/site/assets/files/6289/vlc -
revised rozino pfs technical report final v2 15d.pdf](https://velocityminerals.com/site/assets/files/6289/vlc-_revised_rozino_pfs_technical_report_final_v2_15d.pdf)

In this report the following important data is available:

On page 46 - *Velocity have identified telethermal alteration at Tashlaka, characterized by hot springs silicification and associated pathfinder geochemistry such as **arsenic**, antimony, barium, **mercury** and silver.*

On page 95 - *Data from the chemical analyses on the 2018 PEA Master Composite characterize it as gold bearing (1.28 g/t Au), with other valuable components (silver 2 g/t; copper 48 g/t; lead 28 g/t and zinc 74g/t).*

The potential penalty elements in the ore are arsenic at 125 g/t and chromium 54 g/t. Antimony at <5 g/t and cadmium at <1 g/t are negligible and are not expected to affect the quality of the final products.

In addition it should be noted that the tailings pond will be located in the riverbed of the small but beautiful Yuren dere River. In the 21st century - a tailings pond in a river, damn it! And what will happen during heavy rainfall when the tailings pond is full of toxic waste? In Bulgaria we have a lot of similar old mines developed during the old Socialist

times and abandoned thereafter, where even flies don't fly over those rivers!

Needless to say that the Yuren dere River is tributary to the transboundary Byala reka River...

The project's description in Bulgarian is available on the internet site of RIEW Haskovo, and the EARBD statement of compliance is also public, meaning that the Bulgarian public is informed about the case.

In breach of article 3, para 1 the Greek party and the affected Greek population were not informed as early as possible, and they still remain unaware of the forthcoming ecocatastrophe as if there will be no transboundary impact whatsoever, regardless of the fact that in the EARBD papers it is stated that there will likely be a significant adverse impact on the surface and the ground water bodies.

Conclusion:

In breach of articles 2 and 3 of the Convention, the affected Greek party and local population are not informed at the earliest stage possible of the activity which falls under No14 in the list in APPENDIX I of the Convention and the inevitable transboundary impacts will not be addressed in the local EIA which will be prepared under the Bulgarian national law, while the activity itself will be developed in accordance with the best medieval practices from the middle of the previous century in a karst area where the arsenic contents exceed by far the ore contents of all other useful metals combined.

While the heavy metals dumped into the river may possibly /or not/ stay only in the river within Bulgarian territory, where exactly will the arsenic go nobody knows, but the good news is that arsenic is highly mobile and the Greek border is not too far away...

Let's also hope in Greece the groundwater body is not used for drinking purposes and the waters of the Byala reka River are not used for irrigation!

C. The wild mining tsunami in the Eastern Rhodopes

Currently an average **70%** of the territories of both the Krumovgrad and Ivaylovgrad municipalities are designated for search and exploration of metal ore deposits. During the search for metals hundreds kilometers of boreholes will be drilled into the ground through the transboundary groundwater body. Apart from the metals, the ground layers are heavily loaded with arsenic and other pollutants. Judging from the new "Tintyava" mine description and from the impact of the existing Ada Tepe mine in Krumovgrad on the Krumovitsa River, the arsenic contents appearance starts close to the surface and exceeds by far the contents of all other metals combined. Maps of all exploration areas are shown in the following links:

For the municipality of Ivaylovgrad:

https://dams.reki.bg/uploads/Docs/Files/IVGR_MAP_1.jpg

The new Tintyava mine described here in section 2, which is part of the Rozino deposit, is a very small fraction of the huge Tintyava exploration area displayed on the map.

For the municipality of Krumovgrad:

https://dams.reki.bg/uploads/Docs/Files/ADA_TEPE_KRU_MAP_3.jpg

The existing Ada tepe mine described here in section 1 is a small fraction of the Khan Krum deposit displayed on the map.

The maps display the exploration areas with exploration contracts already issued by the competent Ministry of Energy. **Most of these areas fall entirely within the boundaries of the Natura 2000 Habitats directive site "Rodopi - Iztochni" BG0001032** which is painted in green color on the maps .

For the greatest part of these areas the Bulgarian MOEW has issued screening

decisions that AA procedures are not necessary for the exploration and the biggest "Krumovitsa" exploration area has undergone such a procedure, thus the drilling can start tomorrow. Pitifully, mining exploration for individual projects does not fall within the list in APPENDIX I of the Espoo Convention, but luckily the programmes for the development of such activities are addressed in article 2 of the Convention and our aim in this document is to inform as early as possible the Implementation Committee and the affected party Greece of what is coming forth.

Both maps display the undisputed fact that two municipalities adjacent to the Greek territory will be torn apart by new forest roads and the groundwater body will be torn apart by hundreds of kilometers of drilling for the search of gold through underground deposits full of arsenic, in the same transboundary groundwater body BG3G000PtPg049 described in the previous two sections...

Furthermore, the existence of metal ore deposits all over the country is very well studied during the old Socialist times - the National Geological Fund is full of such data. **This means that if a given area is designated for exploration, the developer already knows what he will find and future ore extraction and processing is inevitable.**

These activities are part of the National Mining Strategy 2030, which was not assessed under the necessary SEA and AA procedures in breach of the relevant EU Directives and cumulative effects consistently remain unknown words to the mining industry and to the Bulgarian environmental authorities, but anyone who has watched the video of the Ada Tepe mine https://www.youtube.com/watch?v=D5Qif_H2zsk can imagine the beautiful surrounding hills looking the same way in the visible vicinity one day.

There is a General Spatial Plan /GSP/ in force for the Ivaylovgrad municipality which has been assessed accordingly, but metal ore mines are not included in the Plan at all and, therefore, such activities were not assessed.

The Krumovgrad municipality doesn't have an approved and enforced GSP, and therefore no mining activities have been assessed at all, while the potential cumulative effects will be enormous. See the maps again and just imagine how many kilometers of new forest roads will be cut through...

Conclusion:

The maps clearly show the huge scale of the future mining activities. Pursuant to article 2, para.7 the party of origin Bulgaria must have put some efforts to apply the principles of EIA in a transboundary context to such vast mining development programmes for the municipalities at the Bulgarian side of the border, and the affected party Greece and its population must have been informed as early as possible, which never happened.

III. FINAL NOTE

Ladies and gentlemen,

First of all, do kindly accept our apologies, because this huge document is focused not only on more than one case, but also on some mining intentions that are currently in a relatively early project stage. However, the potential cumulative effects are so huge, that we felt an obligation to inform the Implementation Committee and the affected party at the earliest stage possible and remain ready to inform you about every next mine that is going to be developed the same frantic way as the Ada tepe and the Tintyava mines in the area concerned.

That said, having in mind that the EU itself is party to the Espoo Convention too, in the light of the infringements of Union Law committed by the party of origin -

Bulgaria - this document is also shared with the European Commission and with the affected party - Greece. Apart from the fact that the Bulgarian mining strategy 2030 was not subjected to a SEA and AA in breach of the relevant EU Directives, It should also be underlined here that in the Ada tepe gold mine AA report it is clearly and explicitly stated by the experts that apart from Ada tepe, any other new mining activity developed in the area of the municipality of Krumovgrad will cause significant adverse impact on the Site's conservation objectives...

Therefore, we really hope that there will be reaction not only on behalf of the Implementation Committee of the Espoo Convention, but from the European Commission itself, because this is a case where the party of origin - Bulgaria and the affected party - Greece - are EU member states. We believe that this document holds enough evidence that if only a small part of the future mining activities described here become fact - the Natura 2000 Habitats Directive site "Rodopi - Iztochni" BG0001032 painted in green color on the maps will simply cease to exist. Of course, it wouldn't be too much a surprise to anyone, because we have already had the opportunity to prove to the DG ENV of the European Commission on numerous occasions that Natura 2000 means Nothing in our country, and due to the lame reaction of the Commission so far the results are more than clear, encouraging the perpetrators!

All over the large territory only 1.28 grams of gold per ton of ore will be extracted, together with 125 grams of arsenic - is this normal in Europe for Christ sake!

Thank you all for your kind understanding and cooperation.

"Nature has all the time in the world, we do not".

Place, date and signature of complainant/representative:



Representative for this notification:

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Member of the board

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