

United States Senate
WASHINGTON, DC 20510-0309

May 11, 2022

Honorable Tom Carper
Chairman
U.S. Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Honorable Shelley Moore Capito
Ranking Member
U.S. Senate Committee on
Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

As cosponsors of the Good Samaritan Remediation of Abandoned Hardrock Mines Act (S. 3571), we urge you to prioritize this legislation and hold a hearing on S. 3571 at the committee's earliest convenience. With strong support, this legislation is the first bipartisan piece of Good Samaritan legislation introduced since 2009 and represents the culmination of years-long efforts between conservation groups, industry, and other stakeholders to develop legislation that supports and stimulates the remediation of abandoned mines.

Historic mining in the United States created a significant number of abandoned hardrock mines, a portion of which pose environmental hazards to surrounding communities. Many of these legacy mine sites are over a century old. Their owners no longer exist or are simply not known. Mining companies and conservation organizations that have no legal or financial responsibility to these abandoned mines want to volunteer to remediate some of these sites. Unfortunately, the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act contain strict liability provisions that stop these Good Samaritans from doing so. Good Samaritans simply will not take on remediation projects because these existing laws would leave them legally responsible for all the pre-existing pollution from a mine, even though they had no previous involvement.

S. 3571 would create the first-ever pilot permitting program to clear the way for positive, on-the-ground environmental remediation projects. This small-scale pilot program is designed for fifteen low-risk projects over seven years to build public confidence that Good Samaritans, who have the expertise and financial resources, can responsibly conduct environmental remediation activities and achieve important water and soil quality improvements at legacy mine sites. Importantly, this work can be done under federal oversight with the appropriate permitting requirements and environmental review, while also providing Good Samaritans critical liability protections. If Congress is serious about finding solutions to remediate abandoned mines, it must remove the legal obstacles preventing the remediation of important land and water resources and establish a permitting program that addresses this unique challenge.

The legislation has received support from Trout Unlimited, Theodore Roosevelt Conservation Partnership, Backcountry Hunters & Anglers, Property and Environment Research Center, National Deer Association, National Wildlife Federation, Idaho Conservation League, National Mining Association, American Exploration and Mining Association, Congressional Sportsmen's Foundation, Izaak Walton League of America, and the Outdoor Alliance.

As you continue your work to schedule priorities before the committee, we urge the committee to take up and pass S. 3571 to support efforts for removing barriers to the cleanup of abandoned hardrock mines. Thank you for your attention to this important bipartisan issue.

Sincerely,

Handwritten signature of Mark Kelly in black ink.

Mark Kelly
United States Senator

Handwritten signature of Cynthia Lummis in blue ink.

Cynthia Lummis
United States Senator