CLEANING UP ABANDONED MINE LANDS

• No. 1 impediment to voluntary cleanup of historic AMLs is potential cradle to grave liability under federal and state environmental laws

• Proposed Solution: Good Samaritan Legislation
  • At least 20 years in the making
  • Colorado Delegation has always led
    • Sens. Campbell, Salazar & Allard
    • Rep. & Sen. Udall; Rep. Salazar
    • Sens. Gardner & Bennet; Reps. Lamborn & Tipton
  • Near universal support for the concept
  • Yet, only one bill has ever made it to the floor
    • S. 1848 (Allard/Salazar in 2005-06)
IF THIS IS SUCH A GOOD IDEA, THEN WHY SO LITTLE PROGRESS

- Anti-mining groups like Earthworks
- Liability relief is too restrictive
  - CWA; CERCLA?; RCRA?; TSCA?; others?
- Good Sam definition
- Perfect is the enemy of good – water quality
- PRP search requirements -- no public funds
- Permitting process too complex and rigid
- Reprocessing
  - Accounting for proceeds

American Exploration & Mining Association
www.MiningAmerica.org
• Restrictive definition of historic mine residue
• Investigative sampling
• Citizen Suits
• AML fees – source of funds
• Full CWA & CERCLA liability for any Good Sam permit violations
• Site specific issues – one size does not fit all

TOO MANY DISINCENTIVES AND NOT ENOUGH INCENTIVES
A POSSIBLE PATH FORWARD

• Politics have improved
• AML problem is finite due to modern mining practices combined with federal & state regulatory programs and financial assurance
• Reasonable conservation groups like Trout Unlimited are at the table
• States and industry support
• Is it time for a new approach?
  • One bite at a time – focus on one or more demonstration projects

American Exploration & Mining Association
www.MiningAmerica.org
ELEMENTS OF AN EFFECTIVE AML CLEANUP LAW

- Mining Industry must be included
- Allow site-specific solutions
- Site characterization studies without PRP search
- Simple, straight-forward permitting process
- Full legal protection for laws listed in permit
- Environmental improvement should be the goal
- Reprocessing without restrictions
- NPL and non-NPL sites
- Waive PRP search requirements
- Incentives like off-site mitigation credits
- Funding sources