

United States Senate
WASHINGTON, DC 20510

February 10, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to follow up on our inquiry regarding opportunities under current law to further incentivize the cleanup of abandoned hardrock mines by Good Samaritans, such as qualified non-governmental organizations that have no connection to mining activities.

These parties need specific guidance from the Environmental Protection Agency (EPA) so that they are fully informed about cleanup opportunities, and they need certainty that they will not be subject to enforcement under the Clean Water Act for taking appropriate actions to address contamination at abandoned hardrock mines. We believe that there is flexibility under current law to help incentivize cleanups at abandoned hardrock mine sites. We ask EPA to provide clarity to those qualified non-governmental organizations, while continuing to ensure that responsible parties are held liable for the harmful environmental legacy at abandoned mines.

While hardrock mining has promoted growth and a rich cultural heritage, it has also damaged rivers, streams, and lakes that are essential resources in the arid West. Incentivizing cleanups by non-governmental organizations can help improve water quality and assist local economies.

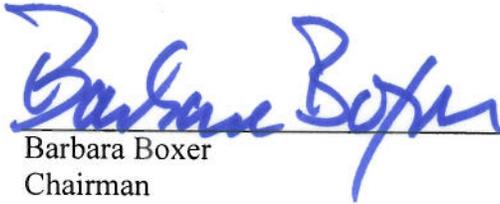
The West is one of the fastest growing regions in the nation and is very dependent on safe and adequate water supplies. The Government Accountability Office estimates that the twelve western states and South Dakota have about 160,000 abandoned hardrock mines. These sites can leach heavy metals, including arsenic, lead, and mercury, that can cause cancer and harm the reproductive system, pollute drinking water supplies, and injure wildlife.

Federal agencies lack sufficient funds to complete all needed cleanups. Encouraging qualified non-governmental organizations to assist in the cleanup efforts could make a significant contribution to the remediation of these sites.

We would like a preliminary report on your response to our request in this letter by February 29, 2012.

Thank you very much for your attention to this important matter. Please contact Grant Cope and Tom Fox with the Environment and Public Works Committee (224-8832) and Jimmy Hague with Senator Mark Udall (224-5941) with any questions.

Sincerely,



Barbara Boxer
Chairman
Committee on Environment and Public Works



Mark Udall
U.S. Senator



Michael F. Bennet
U.S. Senator