

CLEANING UP ABANDONED MINE LANDS -WILL WE EVER REACH AGREEMENT ON GOOD SAMARITAN LEGISLATION

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- 122 years old
- Represent the entire mine cycle
- 2,000 Members
 - 9 Countries
 - 42 states
 - 7 Canadian Provinces
- National voice for exploration, access to public lands, and junior mining sector







- Historic
- Incorrectly portrayed as modern mining's "dirty pictures"
- 90% are safety hazards
- Environmental issues range from simple to complex
- Superfund is not the answer
- CERCLA 108(b) does not apply
- No. 1 impediment to voluntary cleanup is potential cradle to grave liability under federal and state environmental laws







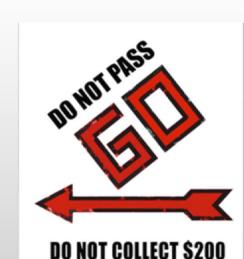


- At least 20 years in the making
- Colorado Delegation has always led
 - Sens. Campbell. Salazar & Allard
 - Rep. & Sen. Udall; Rep. Salazar
 - Sens. Gardner & Bennet; Reps. Lamborn & Tipton
- Universal support for the concept
- Event Driven Gold King
- Yet, only one bill has ever made it to the floor
 - S. 1848 (Allard/Salazar in 2005-06)









- 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



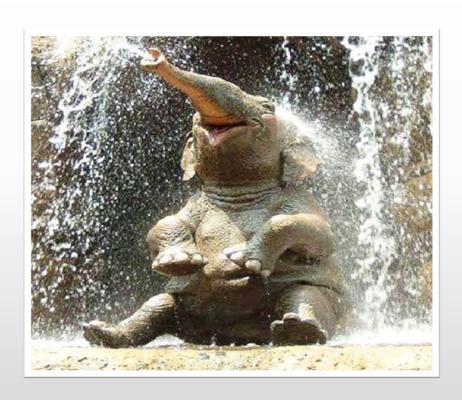


- Restrictive definition of historic mine residue
- Investigative sampling
- Citizen Suits
- AML fees –source of funds
- Full CWA & CERCLA liability for any Good Sam permit violations
- Site specific issues one size does not fit all

TOO MANY DISINCENTIVES AND NOT ENOUGH INCENTIVES







- Are we trying to eat an elephant in one bite?
- Should we narrow the scope to one or more demonstration projects?
- Why are we not focused on incentivizing Good Sam clean ups?

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 and a new name?
 - One bite at a time focus on one or more demonstration projects
 - Traditional definition of Good Sam doesn't work

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



THANK YOU

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