



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

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American Exploration & Mining Association
www.MiningAmerica.org



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American Exploration & Mining Association
2016 Membership Map



AEMA also has members in these 9 Countries:

- Australia
- Chile
- Japan
- Mexico
- New Zealand
- Portugal
- South Africa
- South Korea
- United Kingdom

- 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

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ABANDONED MINED LANDS



- 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

A LITTLE GOOD SAM HISTORY



- 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)

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





- 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

DO WE NEED A DIFFERENT APPROACH?



- 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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