



Katie Hobbs
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY



Karen Peters
Cabinet Executive Officer
Executive Deputy Director

November 7, 2023

The Honorable Mark Kelly, Majority Member
U.S. Senate Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Kyrsten Sinema
U.S. Senator, Arizona
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Support for the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023 (S. 2781)

Dear Majority Member Kelly and Senator Sinema:

The Arizona Department of Environmental Quality (ADEQ) supports and encourages your efforts on passing the newly proposed Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023 (S. 2781). The Act is an important first step in providing more resources and allowing “Good Samaritans” to clean up the hundreds of thousands of abandoned hardrock mines in the Western U.S.

Mining is as western as you can get. Many came to the West in the 1800s to find a better life, often through mining for precious metals like gold and silver. While modern mining is integral to the global economy, the hardrock mines left behind by those who are long gone leave a legacy of environmental harm and public health and safety dangers. In Arizona alone, there are an estimated 100,000 abandoned mines scarring the landscape and threatening residents and wildlife.

ADEQ began prioritizing abandoned mine clean-ups in 2018 due to the extensive contamination of soil and waterways, putting public health and the environment at risk. Several programs at ADEQ use a patchwork of federal laws to conduct clean-ups. However, certain laws like the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) and the Clean Water Act prevent other entities from joining our efforts. These laws require “Good Samaritan” entities who did not create the abandoned mine but are willing to take on its remediation to assume responsibility and be liable for the contamination. This obstacle must be removed if collective efforts are to be successful in protecting public health and the environment.

ADEQ thanks the bipartisan coalition of 19 Senators who introduced bill S. 2781 and supports the revisions in this bill that address input from states and environmental groups. The Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023 provides for a pilot permit program that would remediate 15 low-risk abandoned hardrock mine sites. The Act requires project sites to be low-risk and an environmental assessment must result in a finding of “no significant impact” under the National Environmental Policy Act (NEPA). Further, no opening or closing of adits is permitted and mining and exploration are explicitly prohibited. This approach will sufficiently demonstrate the effectiveness of such permit program while adequately addressing liability hurdles, including Clean Water Act requirements, at sites that are continuously discharging contaminated water.

ADEQ respectfully urges support of S. 2781, as well as robust funding appropriations for the abandoned hardrock mine lands program within the Department of Interior authorized by Sec. 40704 of the Infrastructure Investment and Jobs Act (IIJA). So far, the Sec. 40704 program has received only \$10 million combined in the FY22 and FY23 federal budgets; of which only \$3.4 million was allocated to support state hardrock AML programs. Of that \$3.4 million, one million was awarded to the U.S. Geological Society (USGS) to create a federal abandoned hardrock mine database, leaving only \$2.4 million available for state abandoned hardrock mine programs to utilize. In Arizona, projects implemented by ADEQ to improve environmental outcomes have cost anywhere from \$400,000 to \$2.5 million. With tens of thousands of abandoned hardrock mine sites in Arizona that need to be assessed for remediation, a few million dollars won't make a significant impact in the work that is needed to protect human safety, human health, and wildlife.

Mining made Arizona what it is today. But while modern environmental regulations now effectively protect human health and the environment, the impact of abandoned hardrock mines pre-dating our current laws has left a dirty legacy. In addition to federal and state agencies, this effort is widely supported by both industry and environmental organizations. It is in the best interest of the state to clean up these historic sites. The Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023, combined with sufficient funding for the Sec. 40704 program, is the solution we've all been waiting for to leave our land better than we found it for those that come after us.

Sincerely,



Karen Peters
Cabinet Executive Officer
Arizona Department of Environmental Quality

Cc: The Honorable Thomas R. Carper, Chairman
U.S. Senate Committee on Environment and
Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito, Ranking
Member
U.S. Senate Committee on Environment and
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United States Senate
456 Dirksen Senate Office Building
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