



Interstate Mining Compact Commission

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THOMAS L. CLARKE

June 12, 2024

Resolution

In Support of Hardrock Good Samaritan Legislation

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 26 member states; and

WHEREAS, Hardrock mining continues to contribute to vibrant local economies throughout the United States and especially in the West; and

WHEREAS, in contrast to modern hardrock mines whose impacts are carefully monitored and controlled during mining with full reclamation after mining, historically many hardrock mines were abandoned without regard to the hazards they pose; and

WHEREAS, Safety hazards associated with hardrock abandoned mine lands (AML) result in injuries and even deaths each year in communities throughout the country; and

WHEREAS, Environmental impacts from hardrock AML, in particular water impairments due to acid mine drainage (AMD), are very damaging to local ecosystems; and

WHEREAS, Hardrock AML, in particular sites impacted by AMD, have significant adverse economic impacts, including contamination of increasingly scarce water and irrigation supplies and the loss of recreational fisheries; and

WHEREAS, There are typically no potentially responsible parties available to pay for the cleanup of historic hardrock AML sites, leaving them as an unfunded public liability; and

WHEREAS, Existing state and federal AML programs are generally aware of the AML sites in their jurisdictions and are well-positioned to appropriately prioritize and direct funding to address the safety, health and environmental impacts of those sites; and

WHEREAS, While the total amount of funding needed to address hardrock AML hazards has not been quantified, there is no question that the hardrock AML problem is massive and that the cost to the public to fully address the problem would be counted in the tens of billions of dollars or more; and

WHEREAS, Existing sources of state and federal funding for hardrock AML reclamation and remediation are extremely limited in comparison to the scale of the problem; and

WHEREAS, The cost to the public of addressing hardrock AML hazards could be significantly reduced through the efforts of community-based and environmental organizations across the country that have great interest in helping to mitigate or eliminate safety and environmental hazards hardrock AML sites pose to their communities; and

WHEREAS, The cost to the public of addressing hardrock AML hazards could be significantly reduced through the efforts of modern day mining companies that did not cause or contribute to hardrock AML hazards but are willing to help mitigate or eliminate them; and

WHEREAS, The strict liability framework of federal environmental laws such as the Clean Water Act (CWA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which can make those who attempt to improve the condition of a hardrock AML site liable for the full cost of the site's cleanup to environmentally pristine standards, keep state government agencies, community and environmental groups and modern mining companies with no connection to historic AML sites from helping to mitigate the hardrock AML problem; and

WHEREAS, Concerns about reducing the effectiveness of the CWA and CERCLA have kept Congress from advancing "Good Samaritan" legislation that would provide liability protection to those who voluntarily undertake reclamation and remediation of hardrock AML hazards they had no hand in creating; and

WHEREAS, A bill is pending in Congress, the Good Samaritan Remediation of Abandoned Hardrock Mines Act, S. 2781 and H.R. 7779, that would mitigate the concerns that have kept Good Samaritan legislation from advancing in the past by establishing a permit program under which Good Samaritan protection from CWA and CERCLA liability would be provided on a pilot program basis to a limited number of Good Samaritans who obtain permits within a limited number of years for projects that present low risk.

NOW THEREFORE BE IT RESOLVED THAT THE INTERSTATE MINING COMPACT COMMISSION:

Affirms its continuing support for the protection of human safety and health and the environment and the responsible development of our Country's natural resources by providing for clean air, clean water, the proper handling of waste materials, and the restoration of mined lands; and

Recognizes the great potential economic, environmental, and social benefits of remediating lands and streams impaired by historic hardrock mining; and

Affirms that state AML programs and Good Samaritan partners such as, community and environmental and other volunteer groups and modern mining companies with no connection to historic AML sites, and other similar “Good Samaritan” partners stand ready to put their expertise and passion to work eliminating safety, health and environmental problems at hardrock AML sites; and

Recognizes that the intentionally strict CWA and CERCLA liability frameworks have generally served their purposes of safeguarding our citizens and environment very well; and

Recognizes that the liability potentially incurred by state AML programs and Good Samaritan partners, community and other volunteer groups, re-miners, and other Good Samaritans by addressing land and water impairment to which they have no prior connection is severely detrimental to progress addressing AML impacts at less cost to the public; and

Affirms that any legislation to provide protection of state AML programs and Good Samaritans should uphold the purposes of federal environmental law and further the effectiveness of the CWA and CERCLA by stimulating efforts to improve contaminated lands and waters; and

Expresses its concern that, after many years of congressional consideration of Good Samaritan legislation, an effort to craft a “perfect” bill for such purposes is keeping desperately needed AML work from being performed and is prolonging harm to our citizens’ safety and health, environment, and economic well-being; and

Supports enactment of Good Samaritan legislation to provide carefully crafted liability protection for states and Good Samaritan partners, such as, community and environmental groups and modern mining companies with no connection to historic AML sites seeking to address lands and waters that are impaired by historic hardrock mining; and

Recommends that Congress enact S. 2781/H.R. 7779 or substantially similar legislation, which will allow the merits of the Good Samaritan approach to be demonstrated on a pilot basis while informing future development of more permanent legislation of this type.

Adopted this 12th day of June, 2024:

ATTEST:



Thomas L. Clarke
Executive Director