



Katie Hobbs
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY



Karen Peters
Cabinet Executive Officer
Executive Deputy Director
Department of Environmental Quality

August 21, 2024

Representative Juan Ciscomani
Room 1429
Longworth House Office Building
5 Independence Avenue
SE, Washington, DC 20515-0306

Re: Arizona's Support for the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (H.R. 7779)

Dear Representative Ciscomani,

The Arizona Department of Environmental Quality (ADEQ) is writing in support of the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024* (H.R. 7779, or "The Act") and to ask that you cosponsor this important legislation. This would build upon the momentum of the Senate's companion bill, S. 2781, which recently passed by unanimous consent. The bipartisan legislation, led by Representative Celeste Maloy (R-UT) and Mary Peltola (D-AK), is an important first step in providing more resources and allowing "Good Samaritans" to help clean up abandoned hardrock mines in the Western U.S.

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, there are an estimated 100,000 abandoned mines, potentially scarring the landscape and threatening residents and wildlife.

In 2018, ADEQ began prioritizing abandoned mine clean-ups due to the associated extensive contamination of soil and waterways, putting public health and the environment at risk. Several programs at ADEQ rely upon 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. The risks of legal liability have effectively discouraged efforts by companies and organizations to act as Good Samaritans and assist with cleanup. This obstacle must be removed if collective efforts are to be successful in protecting public health and the environment.

ADEQ sincerely appreciates the bipartisan, bicameral coalition in Congress working to pass the Act. We encourage you to join their efforts. The Act provides for a pilot permit program to remediate 15 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 a permanent

program while adequately addressing liability hurdles, including Clean Water Act requirements, at sites that are continuously discharging contaminated water.

In addition to respectfully urging you to cosponsor H.R. 7779, ADEQ also asks that you support 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). The Sec. 40704 program has received only \$3.7 million to support states' clean-up efforts. In Arizona, individual 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 spread across the nation will not make a significant impact in the work that is needed to protect human safety, public 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 Arizona to clean up these historic sites. The Act, combined with sufficient funding for the Sec. 40704 program, is the solution we have all been waiting for to leave our land better than we found it for future generations.

Sincerely,

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Karen Peters
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Executive Deputy Director
Arizona Department of Environmental Quality



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Cabinet Executive Officer
Executive Deputy Director
Department of Environmental Quality

August 21, 2024

Representative Paul Gosar
Room 2057
Rayburn House Office Building
50 Independence Avenue
SW, Washington, DC 20515-0309

Re: Arizona's Support for the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (H.R. 7779)

Dear Representative Gosar,

The Arizona Department of Environmental Quality (ADEQ) is writing in support of the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024* (H.R. 7779, or "The Act") and to ask that you cosponsor this important legislation. This would build upon the momentum of the Senate's companion bill, S. 2781, which recently passed by unanimous consent. The bipartisan legislation, led by Representative Celeste Maloy (R-UT) and Mary Peltola (D-AK), is an important first step in providing more resources and allowing "Good Samaritans" to help clean up abandoned hardrock mines in the Western U.S.

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program while adequately addressing liability hurdles, including Clean Water Act requirements, at sites that are continuously discharging contaminated water.

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Karen Peters
Cabinet Executive Officer
Executive Deputy Director
Department of Environmental Quality

August 21, 2024

Representative Ruben Gallego
Room 1114
Longworth House Office Building
15 Independence Avenue
SE, Washington, DC 20515-0303

Re: Arizona's Support for the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (H.R. 7779)

Dear Representative Gallego,

The Arizona Department of Environmental Quality (ADEQ) is writing in support of the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024* (H.R. 7779, or "The Act") and to ask that you cosponsor this important legislation. This would build upon the momentum of the Senate's companion bill, S. 2781, which recently passed by unanimous consent. The bipartisan legislation, led by Representative Celeste Maloy (R-UT) and Mary Peltola (D-AK), is an important first step in providing more resources and allowing "Good Samaritans" to help clean up abandoned hardrock mines in the Western U.S.

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