

Clear Creek County

POST OFFICE BOX 2000 GEORGETOWN, COLORADO 80444

TELEPHONE: (303) 679-2300

March 18, 2021

US Congressman Joe Neguse 2503 Walnut Street, Ste 300 Boulder, CO 80302

US Senator Michael Bennet Cesar E. Chavez Memorial Building 1244 Speer Blvd. Denver, CO 80204

US Senator John Hickenlooper Byron Rogers Federal Building 1961 Stout Street, Ste 12-300 Denver, CO 80294

Dear Honorable Congressman Neguse, and Senators Bennet and Hickenlooper:

We are writing to communicate the support of the Clear Creek County Board of Commissioners for legislation to clean up abandoned hardrock mines. There are over 500,000 abandoned hardrock mine sites in the United States and 33,000 of these sites in the West have degraded the environment. These sites pose a major challenge in our county, where mining is a valued part of our present economy and our heritage but where legacy water quality effects have long posed a challenge to our communities and environment.

For these abandoned mine sites, where there is no responsible party to take on the cleanup, entities called "Good Samaritans" who have no legal responsibility or connection to mine want to help tackle this problem. However, current laws and regulations make it difficult, if not impossible, for well-intended, non-responsible parties to perform much needed mine remediation for fear of long-term liability. This issue of liability is a significant deterrent and it must be addressed with legislation. Congress can help solve this conundrum by passing Good Samaritan legislation that will provide necessary liability protections while also holding Good Samaritans accountable to terms of their permits.

Legislation should enable qualified remediating parties, including organizations and local and state government agencies, to perform voluntary mine remediation work, improving the environment while also fostering job creation in local communities. To ensure that

legislation achieves desired objectives, we urge you to consider the following components in a bill:

- The bill should provide protection from future liability from the Clean Water Act and CERCLA once Good Samaritans have successfully completed their permitted work activities. This provision is essential for any Good Samaritan projects.
- Authorize EPA, in coordination with the appropriate state agencies, to approve a set number of Good Samaritan pilot projects. A pilot project approach will allow the Good Samaritan concept to be proved up before more expansive legislation is pursued.
- The Clean Water Act liability protection mechanism should be narrowly tailored and ensure that water pollution clean-up results in a significant, measurable improvement.
- The bill should supply adequate public notice and comment for each project.
- The bill should clarify that private landowners who are not responsible for abandoned mine clean up on their lands, but who are willing to work cooperatively with the Good Samaritans and the state, should also receive liability protection over the life of the clean-up project.
- Projects must meet applicable water quality standards to the maximum extent practicable given site conditions and feasible remediation techniques.
- The bill should consider funding mechanisms. Clean up of abandoned hardrock mine pollution is a long-term job, and long-term funding is needed tackle this pervasive problem.

The Clear Creek Board of County Commissioners urges you to make Good Samaritan legislation a priority – you have our strong support.

Please do not hesitate to contact us if we can be of any assistance in advancing this important legislation.

Respectfully submitted,

CLEAR CREEK BOARD OF COUNTY COMMISSIONERS

George Marlin, Chairman

Randall Wheelock, Commissioner

Sean C. Wood, Commissioner

Page 2 of 2

Clear Creek County Government Support Good Sam Legislation



Colorado Trout Unlimited 1536 Wynkoop Street Suite 320 Denver, CO 80202

Dear Senator Bennet:

Officers

President

Matt Moskal – Denver

Vice President
Greg Hardy – Silverthorne

Secretary
Larry Howe – Highlands
Ranch

Treasurer
Tom McDermott –
Centennial

Regional Vice Presidents

Ben Bloodworth – Grand
Junction

Erin Crider – Central City

Terry Deaton – Colorado
Springs

Barbara Luneau – Longmont

Buck Skillen – Durango

National Leadership Council Representative Marshall Pendergrass -Montrose

Directors-at-Large

George Bryant – Golden Corinne Doctor – Lafayette Lisa Le - Denver Mike Ledger – Denver Clint Packo – Littleton Scott Schrieber – Glenwood Springs Celia Sheneman - Denver On behalf of Colorado Trout Unlimited and our nearly 13,000 members across the state, I urge you to support the passage of Good Samaritan legislation to help facilitate the clean-up of abandoned hard rock mines.

Trout Unlimited's mission is to conserve trout and salmon fisheries and the watersheds on which they depend, a mission greatly impacted by abandoned mines. There are over 500,000 abandoned hard rock mine sites in the American West where there is no responsible party to take on the clean-up. The problem is so pervasive that 110,000 miles of streams in the contiguous U.S. are listed as impaired for metals or acidity, resulting in impacts to fisheries and critical watersheds.

In many cases, remediation of these sites falls upon state and federal governments, but private groups like Trout Unlimited who have no legal responsibility or connection to the project - true Good Samaritans — want to help tackle some of these sites. Unfortunately, incredible liability risks under the Clean Water Act and CERCLA severely limit the work Good Samaritans can do to reduce pollution.

In Colorado, there are estimated 23,000 abandoned mines causing impairment to thousands of river miles. In the Animas watershed alone, there are over 180 draining mines with only 44 qualified as Superfund sites; the other sites will continue to bleed and pollute without a mechanism for 3rd party clean-up.

Trout Unlimited is actively involved in abandoned mine cleanup efforts in Colorado, Montana, Washington and other places in the West, but we can only work in situations where mines are not draining and Clean Water act liability concerns are not applicable. In Pennsylvania, where state policies provide for reasonable liability protections, TU and watershed groups are actively involved in dozens of projects on abandoned coal mine sites. A federal Good Samaritan policy is needed to allow for these efforts to expand throughout the country, allowing for the cleanup of draining abandoned mines.

Good Samaritan projects need an appropriate mechanism that requires the project to produce significant improvements in water quality, implement best-design and management practices, and conduct appropriate monitoring. However, Good Samaritans should not be exposed to liability if at some point the project does not achieve a required criterion for a given pollutant.

By passing Good Samaritan legislation, Congress can provide such protections while also holding Good Samaritans accountable to terms of their permits. Moreover, passing Good Samaritan legislation will allow numerous clean-up projects to move forward, helping to foster a restoration economy and creating jobs in local communities.

Colorado's elected officials have long been leaders advocating for Good Samaritan liability protections and we look forward to continuing to work with you to advance legislation in the 117th Congress.

Sincerely,

David Nickum
Executive Director

Board of



County Commissioners

March 15, 2021

Representative Lauren Boebert 1609 Longworth HOB Washington, DC 20510

Dear Representative Boebert:

We, the Mineral County Board Of Commissioners, are writing in support of Congress passing what is known as Good Samaritan Legislation. There are over 500,000 abandoned hard rock mine sites in the United States. 33,000 of these sites in the West have degraded their local environment. If it were not for the current laws and regulations which do not provide protection from long-term liability for well-intentioned, non-responsible parties who would gladly undertake much needed remediation of these sites, many of their environmentally damaging effects would have already been mitigated.

We have a number of these sites in Mineral County and have long held that some provisions of the Clean Water Act are counter productive to the goal of overall improvement of water quality. Specifically, those parts of the Act that hold those who would endeavor to mitigate point source pollution sources liable in perpetuity to maintain whatever level of water quality they initially achieve. It is an obvious disincentive for anyone to undertake well-intentioned clean up efforts at these point source sites. And, once again, makes no sense if the end of the day objective is an improvement in water quality.

The solution to this conundrum is legislation which would enable qualifying remediating parties to perform voluntary mine waste mitigation work without the prospect of the responsibility of maintaining whatever level of water quality improvement they achieve from now to eternity! To ensure that this legislation achieves the desired objectives, we urge you to consider including the following in any contemplated bill.

Firstly, the bill should provide protection from future liability from the "in perpetuity" clause in the Clean Water Act. This protection should inure to both Good Samaritans who have successfully completed their permitted work activities and to private land owners who are willing to work cooperatively with the state and/or Good Samaritans on source point clean-ups on their lands regardless of their "responsibility".

The bill should authorize the EPA, in coordination with the appropriate state agencies, to approve Good Samaritan pilot projects and supply adequate public notice and comment for each project. The bill should ensure projects meet applicable water quality standards to the maximum extent possible given site conditions and feasible remediation techniques. And the bill should consider future funding mechanisms.

Thank you for your attention to our letter and your consideration of our requests.

Respectfully,

Ramona Weber~Chair-~District2

Scott Lamba Co-Chair Dietrict 1

Jesse Albright~District 3

Board of



County Commissioners

March 15, 2021

Representative Joe Neguse 1419 Longworth HOB Washington, D.C. 20515

Dear Representative Neguse:

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Ramona Weber~Chair-~District2

Scott Lamb Co-Chair~District 1

Jesse Albright~District 3

Board of



County Commissioners

March 15, 2021

Senator John Hickenlooper Russell Senate Office Bldg.~Suite SR-B85 Washington, D.C. 20510

Dear Senator Hickenlooper:

We, the Mineral County Board Of Commissioners, are writing in support of Congress passing what is known as Good Samaritan Legislation. There are over 500,000 abandoned hard rock mine sites in the United States. 33,000 of these sites in the West have degraded their local environment. If it were not for the current laws and regulations which do not provide protection from long-term liability for well-intentioned, non-responsible parties who would gladly undertake much needed remediation of these sites, many of their environmentally damaging effects would have already been mitigated.

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Ramona Weber~Chair-~District2

R.Scott Lamb Co-Chair District 1

Jesse Albright-District 3





County Commissioners

March 15, 2021

Senator Michael Bennet 261 Russell Senate Bldg. Washington, D.C. 20510

Dear Senator Bennet:

We, the Mineral County Board Of Commissioners, are writing in support of Congress passing what is known as Good Samaritan Legislation. There are over 500,000 abandoned hard rock mine sites in the United States. 33,000 of these sites in the West have degraded their local environment. If it were not for the current laws and regulations which do not provide protection from long-term liability for well-intentioned, non-responsible parties who would gladly undertake much needed remediation of these sites, many of their environmentally damaging effects would have already been mitigated.

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Respectfully,

Ramona Weber~Chair-~District2

Scott Lamb~Co-Chair~District 1

Jesse Albright~Pistrict 3



311 N. Henson St.

Lake City, Colorado 81235

970-944-2225

www.hinsdalecountycolorado.us

April 7, 2021

Honorable Michael Bennet 261 Russel Senate Bldg. Washington D.C. 20150

Dear Senator Bennet.

We are writing to communicate the support of the Hinsdale County Board of Commissioners for legislation to clean up abandoned hardrock mines.

There are over 500,000 abandoned hardrock mine sites in the United States and 33,000 of these sites in the West have degraded the environment. There is no responsible party to take on the cleanup of these abandoned mines, but entities called "Good Samaritans" who have no legal responsibility or connection to mine want to help tackle this problem.

However, current laws and regulations make it difficult, if not impossible, for well-intended, non-responsible parties to perform much needed mine remediation for fear of long-term liability. This issue of liability is a significant deterrent, and it must be addressed with legislation. Congress can help solve this conundrum by passing Good Samaritan legislation that will provide necessary and carefully tailored liability protections while also holding Good Samaritans accountable to the terms of their permits.

Legislation should enable qualified remediating parties, including organizations and local and state government agencies, to perform voluntary mine remediation work, improving the environment while also fostering job creation in local communities. To ensure that legislation achieves desired objectives, we urge you to consider the following components in a bill:

- The bill should provide protection from future liability from the Clean Water Act and CERCLA once Good Samaritans have successfully completed their permitted work activities. This provision is essential for any Good Samaritan projects.
- Authorize EPA, in coordination with the appropriate state agencies, to approve Good Samaritan pilot projects. A pilot project approach will allow the Good Samaritan concept to be proved up before more expansive legislation is pursued.
- The Clean Water Act liability protection mechanism should be narrowly tailored and ensures that water pollution clean-up results in a significant, measurable improvement.
- The bill should supply adequate public notice and comment for each project.
- The bill should clarify that private landowners who are not responsible for abandoned mine clean up on their lands, but who are willing to work cooperatively with the Good Samaritans and the state, should also receive liability protection over the life of the clean-up project.
- Projects must meet applicable water quality standards to the maximum extent practicable given site conditions and feasible remediation techniques.



311 N. Henson St. Lake City, Colorado 81235 970-944-2225 www.hinsdalecountycolorado.us

• The bill should consider funding mechanisms. Remediation of abandoned mine pollution is a long-term job, and long-term funding is needed to tackle this pervasive problem.

The Hinsdale County Board of Commissioners urges you to make Good Samaritan legislation a priority – you have our strong support.

Please do not hesitate to contact us if we can be of any assistance in advancing this important legislation.	
Respectfully submitted,	

Greg Levine, Commissioner

Robert Hurd, Vice Chair

Kristie Borchers, Chair





Marsha Porter-Norton, Chair

Matt Salka, Vice Chair

Clyde Church, Commissioner

1101 East 2nd Ave Durango, CO 81301 (970) 382-6219

June 22, 2021

The Honorable Senator Michael Bennet 261 Russell Senate Bldg. Washington D.C. 20510

Dear Senator Bennet:

The La Plata County Board of County Commissioners supports legislation to clean up abandoned hardrock mines. There are over 500,000 abandoned hardrock mine sites in the United States and 33,000 of these sites in the West have degraded the environment. There is no responsible party to take on the cleanup of these abandoned mines, but entities called "Good Samaritans" who have no legal responsibility or connection to mines want to help tackle this problem.

However, current laws and regulations make it difficult, if not impossible, for well-intended, non-responsible parties to perform much needed mine remediation for fear of long-term liability. This issue of liability is a significant deterrent, and it must be addressed with legislation. Congress can help solve this conundrum by passing Good Samaritan legislation that will provide necessary and carefully tailored liability protections while also holding Good Samaritans accountable to the terms of their permits.

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- Projects must meet applicable water quality standards to the maximum extent practicable given site conditions and feasible remediation techniques.
- The bill should consider funding mechanisms. Remediation of abandoned mine pollution is a long-term job, and long-term funding is needed to tackle this pervasive problem.

The La Plata County Board of County Commissioners urges you to make Good Samaritan legislation a priority – you have our strong support.

Please do not hesitate to contact us if we can be of any assistance in advancing this important legislation.

Respectfully submitted,

LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS

Marsha Porter-Norton

Chair

Matt Salka Vice Chair Clyde Church Commissioner



SAN JUAN COUNTY COLORADO

1557 GREENE STREET
P.O. BOX 466
SILVERTON, COLORADO 81433
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

March 10, 2021

The Honorable John Hickenlooper United States Senate Russell Senate Office Building Suite SR-B85 Washington, DC 20510

Dear Senator Hickenlooper:

San Juan County would like to express our strong support for legislation that could greatly assist in cleaning up abandoned hardrock mines in the San Juan Mountains and throughout the west. "Good Samaritan" legislation would be extremely beneficial in cleaning up abandoned mines and their associated water ways.

Southwest Colorado is covered with hundreds of abandoned mines, many of which are sources of heavy metal pollution and acidity in the headwaters of our rivers. The current laws make it impossible for well-intended, non-responsible parties to perform the needed mine remediation for fear of the long-term liability. This liability causes a significant deterrent that can only be addressed with Good Samaritan legislation. Well-crafted Good Samaritan legislation would help assure qualified and capable persons and organizations could perform liability free mine remediation within the pilot programs defined boundaries.

The San Juan County Board of Commissioners would support your efforts and would strongly encourage you to make Good Samaritan legislation a priority. You have our full support. This is common sense legislation that will encourage improved water quality for our region. It has the potential to create jobs and improve our quality of life.

If you have any questions, please contact us at your convenience. We greatly appreciate your leadership on this critical issue.

Sincerely,

Scott Fetchenhier, Chairman



SAN JUAN COUNTY COLORADO

1557 GREENE STREET
P.O. BOX 466
SILVERTON, COLORADO 81433
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

March 10, 2021

The Honorable Lauren Boebert United States Congress 1609 Longworth House Office Building Washington, DC 20515

Dear Congresswoman Boebert:

San Juan County would like to express our strong support for legislation that could greatly assist in cleaning up abandoned hardrock mines in the San Juan Mountains and throughout the west. "Good Samaritan" legislation would be extremely beneficial in cleaning up abandoned mines and their associated water ways.

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The San Juan County Board of Commissioners would support your efforts and would strongly encourage you to make Good Samaritan legislation a priority. You have our full support. This is common sense legislation that will encourage improved water quality for our region. It has the potential to create jobs and improve our quality of life.

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Sincerely,

Scott Fetchenhier, Chairman



SAN JUAN COUNTY COLORADO

1557 GREENE STREET
P.O. BOX 466
SILVERTON, COLORADO 81433
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

March 10, 2021

The Honorable Michael Bennet United States Senate 261 Russell Senate Office Building Washington, DC 20510

Dear Senator Bennet:

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If you have any questions, please contact us at your convenience. We greatly appreciate your leadership on this critical issue.

Sincerely,

Scott Fetchenhier, Chairman



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

March 30, 2021

Senator Michael Bennet 261 Russell Senate Bldg., Senate Office Building Washington, DC 20510 john_whitney@bennet.senate.gov

Representative Neguse 1419 Longworth HOB Washington, DC 20515 sally.anderson@mail.house.gov Senator John Hickenlooper Russel Senate Office bldg. Suite SR-B85, Washington, DC 20510 sarah mccarthy@hickenlooper.senate.gov

Representative Lauren Boebert 1609 Longworth HOB Washington, DC 20515 devin.camacho@mail.house.gov

Dear Senators and Representatives:

The San Miguel County Board of Commissioners would like to express our ongoing support for legislation to clean-up abandoned hardrock mines.

There are over 500,000 abandoned hardrock mine sites in the United States. These sites have been degrading the surrounding air and water quality, wildlife habitat and presenting safety issues for those living near or recreating in the vicinity of these sites. Abandoned mine sites have no responsible party to initiate clean-up actions, but "Good Samaritans" who have no legal responsibility may want to help tackle this problem.

However, current laws and regulations make it difficult, if not impossible, for well-intended, non-responsible parties to perform much-needed mine remediation for fear of long-term liability. This issue of liability is a significant deterrent and it must be addressed with legislation. Congress can help by passing Good Samaritan legislation that will provide necessary liability protections while also holding Good Samaritans accountable to the terms of their permits.

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- Projects must meet applicable water quality standards to the maximum extent practicable given site conditions and feasible remediation techniques.
- The bill should consider funding mechanisms. Remediation of abandoned mine pollution is a long-term job, and long-term funding is needed to tackle this pervasive problem.

Ultimately we would like to see much-needed reform to our 1872 Mining Law. In the meantime, we ask that you make Good Samaritan legislation a priority to start to see more active clean-up efforts of abandoned hard rock mines which are dispersed throughout San Miguel County.

Sincerely,
San Miguel County
Board of Commissioners

Lance Waring, Chair

HUDDENCE



BOARD OF COUNTY COMMISSIONERS

970.453.3402 ph | 970.453.3535 f www.SummitCountyCO.gov 208 East Lincoln Ave. | PO Box 68 Breckenridge, CO 80424

April 27, 2021

The Honorable Senator John Hickenlooper Russell Senate Office Bldg., Suite SR-B85 Washington D.C. 20510

Sarah McCarthy
Wayne Aspinall Federal Bldg.
400 Rood Avenue, Suite 220
Grand Junction, CO 81501
sarah.mccarthy@hickenlooper.senate.gov

Delivered via USPS and Electronic Email

Re: Support for Good Samaritan Legislation

Dear Senator Hickenlooper,

The Summit County Board of County Commissioners respectfully urges you to help improve stream water quality in the State of Colorado and across the nation by supporting the adoption of "Good Samaritan" legislation. This legislation would enact public policies that support and encourage Good Samaritan efforts to remediate streams tainted by abandoned hard rock mines without requiring well-meaning third parties to incur perpetual Clean Water Act (CWA) liability. Such policies would allow and encourage Summit County and other qualified organizations that have no connection to past mining activities to assist in cleaning up abandoned mine sites.

Summit County is located on the I-70 corridor of Colorado's Rocky Mountains, just west of the Continental Divide. The county is home to four world-renowned ski areas and myriad other outdoor recreational amenities. But a century ago, this area was a magnet for prospectors who flocked to the region seeking gold and silver. Significant levels of mining activity occurred from the 1860s through the turn of the 20th century, with a short resurgence during World War II.

Today, numerous rivers and streams within Summit County are still severely impacted by historical mining activity. Acid rock drainage from hundreds of abandoned mine sites carries heavy metals into stream channels, resulting in CWA 303(d) listing as impaired or threatened waters. Most of these waterways discharge into Dillon Reservoir, a primary drinking water source for the Denver metropolitan area.

Summit County Government, in collaboration with the Snake River Watershed Task Force, Blue River Watershed Group, the Keystone Center, local municipal governments and a diverse group of stakeholders, including representatives from citizens groups, government agencies, research scientists, ski areas, environmental groups and concerned individuals, have been working for more than two

decades to improve water quality in impaired streams, as well as to maintain water quality in areas threatened by mounting pressures from competing water uses. This work has included the identification, evaluation and implementation of opportunities to reduce heavy metal concentrations of concern. We have made significant progress in compiling information and coordinating activities to undertake remediation work. These efforts are widely supported and loudly applauded by our community. In November 2014, Summit County voters approved a ballot measure that authorized additional property tax revenues to fund further mine cleanup activities in the county.

Despite recent successes, the CWA liability issue remains a significant impediment to initiating cleanup activities. The Summit County Board of County Commissioners respectfully requests that you undertake efforts to unify Colorado's congressional delegation to support policy guidance or, if necessary, to create legislative relief for watershed groups and other third-party Good Samaritans throughout the United States, so that they can succeed in their efforts to improve water quality.

However, we would not support any legislative provisions that might provide incentives to owners of existing mines or mine tailings piles to reprocess those sites. Small-time prospectors hoping to strike it rich have often sought to re-open old mine sites in Summit County without possessing the necessary expertise or understanding the potential impacts. Events in La Plata County have demonstrated how hazardous these old mine sites can be, not only to local communities and economies, but also to our region as a whole. If the scope of any legislation is limited to any specific geographic area, Summit County would welcome the opportunity to participate in a Good Samaritan pilot program.

We sincerely appreciate this opportunity to express our concerns, and we appreciate all your hard work on our behalf. Should you or your staff wish to discuss this issue with us in greater depth, please do not hesitate to contact us.

Sincerely,

Elisabeth Lawrence

Courtice of Josh Blanchard

Tamara Pogue Josh Blanchard



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

28 June, 2018

Senator Michael Bennet United States Senate 261 Russell Senate Office Building Washington, DC 20510 Phone: 202-224-5852

RE: Good Samaritan Remediation of Orphan Hardrock Mines

Dear Senator Bennet,

The Southwest Colorado Council of Governments (SWCCOG) is located in the southwest corner of the State of Colorado. The mission of the SWCCOG is to provide regional leadership on behalf of governments throughout Southwest Colorado by defining regional issues, advocating for mutual goals, and administering regional programs. The region includes the counties of Archuleta, Dolores, La Plata, Montezuma, and San Juan, the municipalities of the Cities of Cortez and Durango, and the Towns of Bayfield, Dolores, Dove Creek, Ignacio, Mancos, Pagosa Springs, Rico, and Silverton, as well as the two Native American Tribes of the Southern Ute and the Ute Mountain Ute.

Southwest Colorado is covered with hundreds of abandoned mines, many of which are sources of heavy metal pollution and acidity in the headwaters of our rivers. Current laws make if difficult, if not impossible for well-intentioned, non-responsible parties to perform much needed mine remediation for fear of long-term liability. This issue of liability is a significant deterrent and must be addressed through legislation. Good Samaritan legislation would help assure that well-qualified and capable persons and organizations could perform liability-free mine remediation work in our region.

In Southwest Colorado, the adverse impacts of not thoroughly cleaning up abandoned mines are incalculable, for communities both local and downstream. Disasters such as the Gold King Mine waste water spill highlight the wider regional impact of environmental emergencies and natural disasters. We urge you to make Good Samaritan legislation a priority. Such legislation would encourage improved water quality for our region while creating jobs and improving the quality of life in our region.

Please contact us if we can be of any assistance in advancing Good Samaritan legislation. Thank you for your leadership on this critical issue.

Sincerely,

Chris La May, Chair

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Southwest Colorado Council of Governments