



## WESTERN GOVERNORS' ASSOCIATION

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August 27, 2012

The Honorable Daniel Inouye  
Chairman  
Senate Appropriations Committee  
S-128, The Capitol  
Washington, DC 20510

The Honorable Jeff Bingaman  
Chairman  
Senate Energy and Natural  
Resources Committee  
304 Dirksen  
Washington, DC 20510

The Honorable Thad Cochran  
Ranking Member  
Senate Appropriations Committee  
S-128, The Capitol  
Washington, DC 20510

The Honorable Lisa Murkowski  
Ranking Member  
Senate Energy and Natural  
Resources Committee  
304 Dirksen  
Washington, DC 20510

Dear Senators Inouye, Cochran, Bingaman and Murkowski:

Western Governors oppose the Environmental Protection Agency's current rulemaking efforts to develop financial responsibility requirements for the hardrock mining industry under Section 108(b) of CERCLA. We believe that the existing bonding requirements applied under state law are adequate and sufficient and thus would support Congressional action that would direct EPA to halt any further rulemaking activity in this regard.

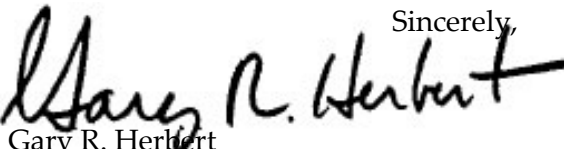
Western state mine regulatory staff have provided EPA with detailed and thorough information on existing state financial guarantees required for non-coal mining operations. This information, when viewed collectively, should prove states already have effective and sufficient bonding regulations in place for hardrock mining operations. Federal duplication or pre-emption of these regulations will only increase cost and confusion without providing any environmental benefit.

The Honorable Daniel Inouye  
The Honorable Thad Cochran  
The Honorable Jeff Bingaman  
The Honorable Lisa Murkowski  
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Page 2

Attached is the Western Governors' policy resolution on this matter -- 11-4, *Bonding for Mine Reclamation*. The crux of the resolution can be found in section B.5. which states:

*Western Governors believe that the states currently have financial responsibility programs in place that are working well, and that functional programs should not be duplicated or pre-empted by any program developed by EPA pursuant to Section 108(b) of CERCLA. Authorized or approved State programs should automatically stand in lieu of the federal requirements. If necessary, EPA should pursue changes to CERCLA to allow states to administer their own bonding programs.*

Thank you for your consideration of this request.

Sincerely,  
  
Gary R. Herbert  
Governor, State of Utah  
Chairman, WGA

  
John Hickenlooper  
Governor, State of Colorado  
Vice Chairman, WGA