



WESTERN GOVERNORS' ASSOCIATION

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November 12, 2007

The Honorable Mark Udall
100 Cannon House Office Bldg.
Washington, D.C. 20515

The Honorable Steve Pearce
1607 Longworth House Office Bldg.
Washington, D.C. 20515-3102

Dear Representative Udall and Representative Pearce:


On behalf of the Western Governors' Association, we commend you for introducing H.R. 4011, "Good Samaritan Cleanup of Abandoned Hardrock Mines Act of 2007." The Western Governors support this bill and urge that it be enacted this Congress.


The Western Governors have consistently identified Good Samaritan legislation as one of our high priorities regarding water quality, as abandoned and inactive mines are responsible for many of the greatest threats and impairments to water quality across the Western United States. Your legislation will provide States and other possible Good Samaritans important Clean Water Act liability protections necessary to conduct voluntary cleanups. These protections will result in cleanups of historic mining impacts across the West while assuring that the cleanups continue to protect and improve the environment.

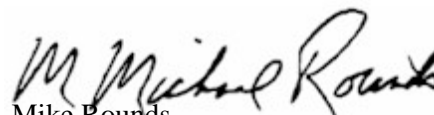
The Western Governors acknowledge that liability concerns can also arise for Good Samaritans under CERCLA. Addressing these CERCLA liabilities will undoubtedly result in yet additional cleanups. WGA commends the EPA for issuing the "Good Samaritan Administrative Tools" in June 2007, and believes these tools address significant legal uncertainties under CERCLA. However, some CERCLA liabilities for Good Samaritans will likely require a legislative fix. We look forward to working with you and the committees of jurisdiction to explore separate legislation that would remove CERCLA liabilities for Good Samaritan cleanups, while serving to protect and improve the environment.


Again, we commend you for introducing H.R. 4011 and urge its passage this Congress.

Sincerely,


Janet Napolitano
Governor of Arizona
WGA Lead Governor


Bill Ritter
Governor of Colorado
WGA Lead Governor


Mike Rounds
Governor of South Dakota
WGA Lead Governor


Bill Richardson
Governor of New Mexico
WGA Lead Governor

cc: The Honorable James Oberstar, Chair, House Transportation and
 Infrastructure Committee
 The Honorable John Mica, Ranking Member, House Transportation and
 Infrastructure Committee
 The Honorable Eddie Bernice Johnson, Chair, Water Resources and
 Environment Subcommittee
 The Honorable Richard Baker, Ranking Member, Water Resources and
 Environment Subcommittee
 The Honorable Stephen Johnson, U.S. Environmental Protection Agency