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May 15, 2007

The Honorable Alberto R. Gonzales
Attorney General
Robert F. Kennedy Building
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-2000

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Ariel Rios Bldg., Rm. 3000
Washington, D.C. 20460

Dear Attorney General Gonzales and Administrator Johnson,

For over a decade, the Western Governors have sought legislation that would give protections to people who voluntarily clean up abandoned mines from potential liabilities after the so-called "Good Samaritan" cleanup project is completed. The Governors' concerns have focused historically on potential liabilities under the Clean Water Act. In recent years, concerns over liabilities under CERCLA have also been raised.


On January 29, 2007, WGA hosted a stakeholders meeting in Washington, D.C., to discuss past Good Samaritan legislation and explore opportunities for developing a broadly supported, bi-partisan bill for consideration in the 110th Congress. During that meeting, Brent Fewell, Deputy Assistant Administrator for EPA's Office of Water, said that EPA is developing an analysis of the administrative tools that currently exist under CERCLA and/or the Clean Water Act that could provide protection against liability for voluntary cleanups. Mr. Fewell said he hoped this analysis would be completed by late February or early March. It is our understanding that EPA's analysis is now under review by the Justice Department.

The Western Governors' Association applauds Administrator Johnson's commitment to the issue of Good Samaritan cleanups, and we appreciate both EPA's and DoJ's efforts to develop this analysis. We urge that the analysis be finalized and made public as soon as practical, as it could greatly inform ongoing deliberations over legislative remedies to potential Good Samaritan liabilities.

Sincerely,


M. Michael Rounds
Governor of South Dakota
Chairman


Janet Napolitano
Governor of Arizona
WGA Lead Governor


Bill Richardson
Governor of New Mexico
WGA Lead Governor


Bill Ritter
Governor of Colorado
WGA Lead Governor

cc: The Honorable James Connaughton, Council on Environmental Quality