



**American Water Works  
Association**

*Dedicated to the World's Most Important Resource™*

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January 25, 2016

Senator James Inhofe  
Chair  
Senate Committee on Environment  
and Public Works

Senator Barbara Boxer  
Ranking Member  
Senate Committee on Environment  
and Public Works

**Re: Drinking Water Protection Concerns in Potential Good Samaritan Legislation**

Chairman Inhofe and Ranking Member Boxer:

The American Water Works Association (AWWA) would first like to thank both of you for advancing Good Samaritan legislation in the Senate Environment and Public Works Committee. AWWA believes that the draft legislation being considered by the committee is a good first step in the effort to maximize the number of orphaned mine sites that receive remediation, while also ensuring the greatest environmental benefit from each mine remediation.

As you know, there are more than 500,000 abandoned hard rock mines throughout the American West, and potential Good Samaritans lack incentives to get involved with these sites. In the East, pollution from abandoned coal mines is damaging more than 10,000 miles of streams and rivers just in Pennsylvania and West Virginia. The cost of cleanup in Pennsylvania alone has been estimated at \$15 billion.

Under current Clean Water Act and Superfund laws, many Good Samaritans could find themselves liable for any remediation action they take. AWWA has been working internally to produce principles that will protect drinking water, as well as allow for more input from drinking water utilities in the creation of proposed remediation plans.

After much work, AWWA has crafted the following principles related to Good Samaritan legislation:

- 1) Provide strict definition for "abandoned mine."
- 2) Maintain existing liability for polluters.
- 3) Identify and define Good Samaritans, as well as existing owners and operators of abandoned mines.
- 4) Identify and define existing owners and operators of abandoned mines.
- 5) Maintain liability of polluters even in cases of actions taken by Good Samaritans.

- 6) Expedite the approval process for Good Samaritan permitting.
- 7) Include language that all remediation plans must yield a net environmental benefit to relevant waters, and do no harm to existing environment.
- 8) Include language that all Good Samaritans must notify downstream utilities of actions planned and allow utility to prepare for or mitigate any potential consequences of such actions on drinking water, and to ensure monitoring after completion of remediation plan.
- 9) Include language that requires an EPA report to Congress and creation of online database of Good Samaritan projects.
- 10) Include a "Sunset Clause."

AWWA is heartened to see that the draft legislation being considered by the committee addresses nearly all of these principles in some form or another. The online database of Good Samaritan projects is closely associated with the report to Congress language that is already included in the draft bill. AWWA feels that, after the problems related to the Animas River spill that occurred last year, public notification of all Good Samaritan projects will help keep the public informed of said projects, and result in complete transparency regarding the project process, from application to completion.

The second principle not included in the draft legislation is the language related to notification of downstream utilities by Good Samaritans. AWWA is committed to protecting source water and the public health, and drinking water utilities cannot carry out these goals without full disclosure of actions taken that might affect source water. As the Animas River spill, and other disasters that have occurred in recent years have shown, the potential for contamination of drinking water sources is a real threat to public health. By requiring Good Samaritans to notify downstream utilities of the actions they plan to take as part of the approved remediation plan, we can reduce the risk of unintended consequences of that plan that could harm drinking water used for public consumption.

AWWA would be happy to discuss any of these principles, as well as the future of any Good Samaritan legislation that the committee will consider. Please feel free to call me or Sean Garcia, AWWA's Government Affairs Specialist, if you have any questions or need further information.

Yours Sincerely,

A handwritten signature in black ink that reads "G. Tracy Mehan" with a stylized flourish at the end.

G. Tracy Mehan  
Deputy Executive Director  
American Water Works Association