



March 2, 2016

Testimony of Trout Unlimited on the Senate Environment and Public Works Committee's hearing on: Discussion Draft of Good Samaritan Cleanup of Orphan Mines Act of 2016.

Chairman Inhofe, Ranking Member Boxer, and Committee Members:

My name is Steve Moyer. I am the Vice President of Government Affairs of Trout Unlimited. Thank you for the opportunity to testify today on abandoned mine clean up legislation.

I offer the following testimony on behalf of Trout Unlimited and its 155,000 members nationwide. My testimony will focus on the Discussion Draft (Draft Bill), cleanup of abandoned mine lands, and specifically the need to facilitate abandoned mine cleanups by Good Samaritans — those individuals or entities who have no legal obligation to take on an abandoned mine cleanup, but who wish to do so in order to improve water quality and watershed health.

We deeply appreciate the Committee's focus on these issues, and we urge the Committee to continue to work with us, the states, EPA and other stakeholders on a Good Sam bill to help provide a badly needed tool to facilitate cleanups.

We are grateful for the impressive Draft Bill, accomplished through hard work of the authors: Senators Gardner, Bennet, and Representative Tipton. It is a thoughtful blending of past legislative approaches into a workable new model. There may be room for improvement in some areas, but we regard the overall draft as a significant, bipartisan breakthrough, and we urge the Committee to give the draft strong consideration and eventual approval.

TU's mission is to conserve, protect and restore North America's trout and salmon fisheries and the watersheds they depend on. In pursuit of this mission TU has worked to restore streams and rivers damaged by pollution from abandoned mines from the Appalachian coalfields in Pennsylvania to the hardrock mining areas of the Rocky Mountain States, and my testimony is based upon these experiences. TU stands ready to expand our work to clean up abandoned mine pollution, and we need such legislation to make it happen.

Abandoned mine pollution is a widespread problem but much of it is fixable.

The three-million gallon August spill of polluted water from the Gold King mine near Silverton, Colorado showed the world what TU members and staff who live in mining country see every day: Orange, polluted water leaking out from abandoned mines. For several days downstream

communities in Durango, tribes and river users in the Animas River faced the loss of access to the river, damaged river-based economies, and threats to agricultural and drinking water. For a recreation economy based city such as Durango, the threat of lost jobs and damaged businesses was a great concern.

Thankfully, this spill was not as severe as it might have been and the river has returned to pre-spill conditions, but the long-term impacts still need to be monitored carefully. Most importantly, EPA and other stakeholders must learn from the disaster as we move forward to address the broader problem of abandoned mine pollution.

The Gold King accident received extensive media coverage. What is less well known is that there are thousands of similar, smaller-scale abandoned mines that pollute our rivers and streams every day. One of the lessons from the Gold King spill surely must be that we need a much greater sense of urgency about addressing the problem of pollution from abandoned mines.

Cleaning up abandoned mines is challenging and expensive. That does not make it any less imperative. The legacy of historical mining practices — more than 500,000 abandoned hardrock mines in the American West with an estimated cleanup cost ranging from \$36-72 billion — has persisted for the better part of a century with insufficient progress toward a solution. According to the EPA, abandoned hardrock mines affect 40 percent of headwaters in the western United States. The lack of dedicated funding sources and burdensome liability risk for would-be Good Samaritans has hindered abandoned hardrock mine cleanups.

In the East, abandoned coal mines dot the Appalachian landscape. Pollution from abandoned coal mines continues to damage thousands of miles of streams and rivers — over 10,000 miles just within Pennsylvania and West Virginia — and while much has been accomplished through the Surface Mining Control and Reclamation Act's extremely valuable Abandoned Mine Lands Fund (AML Fund), a great deal more remains to be done. The cost of cleanup in Pennsylvania alone has been estimated as high as \$15 billion.¹

A reclamation fee, paid by the mining companies, is collected for each ton of coal produced to support the AML Fund. Since 1977, more than \$8 billion has been put to good use cleaning up and making safe abandoned coal mines. Unfortunately, no similar fund exists to clean up the legacy of hardrock mining, particularly in the Western U.S.

We have developed a number of model projects that can be easily replicated. In Pennsylvania, aided by state-based Good Samaritan policy, watershed groups, including Trout Unlimited, are working with State agencies, communities, and other partners to conduct more than 250 abandoned coalmine pollution projects throughout the state. And Trout Unlimited, again in

¹ <http://pa.water.usgs.gov/projects/energy/amd/>

partnership with state and federal agencies and private landowners, has used the limited Good Samaritan tools afforded by EPA under current law to good effect.

Across the country, we are working in local communities to leverage the resources that are available to restore rivers and streams that are impacted by abandoned mines. This work demonstrates the positive effect that dedicated Good Samaritans can have on local waters, as well as the limitations placed on Good Samaritans as a result of liability concerns under the Clean Water Act. Although projects by TU and others have addressed only a tiny fraction of the overall problem, each project has substantially restored the health of a particular river or stream. Although minor compared to the scope of the problem, these projects represent major victories for the local communities that have, in many cases, seen dead streams brought back to life. These projects also provide lessons on Good Samaritan restoration generally.

Two of our best environmental laws produce barriers to abandoned mine cleanup

Two of our most valued and effective environmental laws – the Clean Water Act (CWA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), have effectively allowed cleanup of many abandoned mine sites to fall through the cracks. Smaller sites generally are not a high enough priority to get funding under the “Superfund” provisions of CERCLA. For these sites, where the parties responsible for the mining pollution are long gone, and with current owners having little to no incentive to do any of the cleanup because of liability risks, projects to reduce pollution can become a legal quagmire. A partnership between TU, western states, and EPA resulted in EPA policy that provides useful protection to Good Samaritans from CERCLA liability in 2007,² but CWA liability has remained a significant obstacle.

CERCLA: When TU first started working on abandoned hardrock mines in the West, we had liability concerns under CERCLA and the Clean Water Act that prevented many Good Samaritan projects from moving forward. CERCLA presented a significant barrier to Good Samaritan projects, both because the statute presents real risks for any party helping to clean up toxic wastes, but also because the statute’s complexities and perceived risks are incredibly daunting for many watershed groups, local communities and NGOs. If any liability concerns were raised, even the legal cost of sorting through it would financially strain a nonprofit such as TU.

In 2006, TU completed a pioneering Good Samaritan cleanup in Utah’s American Fork Canyon that overcame CERCLA liability concerns with the help of EPA, the Forest Service and the state of Utah. The liability protection document (an Administrative Order on Consent, or “AOC”) negotiated with the EPA for the American Fork work led to the issuance of EPA guidance and model documents for dealing with CERCLA liability protection for future Good Samaritans to use in similar projects.

² <http://water.epa.gov/action/goodsamaritan/>

TU has now negotiated three separate AOCs with the EPA covering two different projects — one project on the American Fork in Utah (two AOC's for different phases of the project) and another on Kerber Creek in Colorado. These AOC's have allowed TU to undertake clean-up projects with significant local benefits while eliminating the risks of additional cleanup expenses or future liability under CERCLA. We greatly appreciate the work that EPA has put into their model AOC for Good Samaritan cleanups, and the work that EPA staff have put into negotiating the specific AOCs for TU. Though there remains room for improvement, the AOCs have helped to reduce one of the major impediments that have prevented communities, watershed groups, conservation organizations, TU chapters and others from undertaking abandoned mine cleanup projects.

Clean Water Act: There are many projects where water quality could be improved by collecting run-off, or taking an existing discrete discharge, and running the water through either an active or passive treatment system. However, for would-be Good Samaritans, Clean Water Act (CWA) compliance and liability issues remain a barrier to such projects. A number of courts have held that discharges from systems that treat wastewater from abandoned mines are point source discharges that require a National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the CWA. Although EPA and some eastern states have not considered such projects to be point sources requiring NPDES permits, the Fourth Circuit's 2010 decision in *West Virginia Highlands Conservancy, Inc. v. Huffman* (discussed more below) creates some uncertainty around that approach.

Stakeholders in projects involving treatment of wastewater have balked because of CWA liability for two reasons. First, NGOs, including TU, are not well suited to apply for and hold permits for such projects. TU does not have an adequate funding mechanism to legally bind itself to pay for the perpetual costs associated with operating a water-treatment facility and permit compliance. Typically, NGOs implement Good Samaritan projects through specific grants provided by government agencies, individuals, private foundations, and other donors. Although such grants often include funding for future monitoring and maintenance, nonprofit groups do not have funding for major improvements to a system should those improvements be needed to comply with a permit. As a result, the liability risk associated either with complying with a permit, or building a system without a permit, represents a completely unfunded risk that could threaten the financial health of the organization to such a degree as to be untenable.

Second, for many projects it may be impossible to obtain a permit, because the treatment systems, even if they will improve conditions, may not be able to treat abandoned mine wastewater to a level that meets all applicable water quality standards or other applicable criteria. It should be noted that while these treatment systems are certainly capable of producing water that will support a healthy fishery, the resulting water quality might not meet CWA standards for some pollutants that are particularly difficult to remove from mine waste

(for example, passive wetland systems that effectively treat highly polluted water often leave levels of manganese that do not comply with CWA standards). Some passive systems also can comply with water quality standards most of the time, but may violate them occasionally, such as during high flow events. Imposition of current standard CWA permitting regulations, however, would require compliance with standards for all parameters at all times. Techniques do exist that might comply with all water quality standards at all times, but they are dramatically more expensive and create a much more “industrial” footprint in remote mountain areas. It is possible to spend \$X to clean water to 90 percent of the CWA standards, resulting in significant benefits for communities, fisheries, and aquatic systems. But the increment needed to get to 100 percent of the Clean Water Act standard may be \$5x.

It is also sometimes difficult to predict in advance the results that a given treatment system will achieve. Although one can know in advance that a project will produce a significant improvement in water quality, one cannot always know the exact treatment level it will achieve for every parameter until the treatment system has been in operation for some time. Finally, many of these projects are built in remote mountain areas where access for monitoring and maintenance is very difficult. These projects are not well suited for traditional NPDES permits that require monitoring for and compliance with detailed numeric criteria.

This is not to say that CWA standards should be weakened; just the opposite, in fact. But there should be incentives for would-be Good Samaritans to make water cleaner even if still short of full CWA standards. Put another way, the fundamental problem is that Good Samaritan projects can dramatically improve water quality and streams health, but can’t comply with all of the substantive and procedural requirements of the CWA.

Good Samaritan policy is needed today to allow good projects to go forward

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, but that does not expose the Good Samaritan to liability if the project at some point fails to achieve a required criterion for a given pollutant.

Cleanup opportunities have been missed because of the lack of such a Good Samaritan policy. For example, the sulfate-reducing bioreactor phase of the Tiger Mine Restoration Project near Leadville, Colo., a proposed project in the headwaters of the Lake Fork of the Arkansas River, is on hold. Though other portions of this project have been successful in stabilizing and conveying adit discharge, the sulfate-reducing bioreactor would be another downstream option to treat the acid mine drainage coming from the tunnel. The planned bioreactor is designed to address the low pH and high metals concentrations that are causing the Lake Fork of the Arkansas to be contributing significant metals loading to one of Colorado’s most treasured fisheries, the Arkansas River. Despite the fact that the project would dramatically improve water quality, TU and its partners cannot proceed without a manageable way to comply with the Clean Water

Act. There is simply not a practicable option for a Clean Water Act permit currently, and none of the parties will proceed without one.

In short, any entity that constructs a bioreactor or other similar treatment system becomes liable for that discharge in perpetuity under the Clean Water Act. Also, any landowner that allows such a project to proceed on their property is at risk as well. Understandably, this is a risk that the Tiger Mine project partners are not willing to take even though a study of a bioreactor has been completed, the site has been prepared and several sources of funding have been secured.

TU has worked with the EPA to address these challenges, and we appreciate the efforts the agency has made to help us and other would-be Good Samaritans. For example, in December of 2012 the EPA issued a guidance memo designed to clarify how the Clean Water Act applies to Good Samaritan abandoned mine cleanup projects. The guidance memo requires potential Good Samaritans to fully comply with the 2007 Superfund policy, but allows eligible Good Samaritans to avoid CWA requirements under certain circumstances.

Several years of experience now indicate that the restrictions in the guidance memo may not be a good fit for the type of work that is needed. Indeed, the details of the policies application remain quite unclear, in part because no one has yet opted to use it for a project because, among other questions, the policy leaves open the liability and compliance obligations of owners of land where projects take place. Nonetheless, we are pleased that EPA is making abandoned mine cleanup a higher priority, and we are eager to explore ways to increase our work with EPA at sites around the West.

In spite of this progress, the Clean Water Act remains a barrier to cleanups at the Tiger Mine and similar projects elsewhere. Federal legislation is needed to provide permitting authority to facilitate these and other cleanups in a way that provides clarity and certainty to Good Samaritans.

Good, exciting projects could be expanded and replicated with effective Good Samaritan policy

Eastern coal mines are not subject to the CERCLA liability, but a recent court decision has extended the Clean Water Act liability concerns that have long plagued the West to the Eastern coalfields. In *West Virginia Highlands Conservancy v. Huffman*, 625 F. 3d 159 (4th Cir. 2010), the Fourth Circuit held that facilities run by the state of West Virginia to treat water pollution coming from abandoned coal mines met the definition of a point source under the CWA. In addition, the court held that the state was the operator of those facilities and therefore needed a permit under sections 301 and 402 of the CWA. The decision has introduced some new uncertainty regarding how the CWA applies to projects that treat acid mine drainage from abandoned coal mines in Pennsylvania and other eastern states. But the contrast between

what is occurring to clean up abandoned coal mines in the East and what is happening in the West, especially in terms of use of active and passive treatment facilities, is striking.

In Pennsylvania, as we explain below, polluted water is being successfully treated and streams and rivers are being brought back to life because the Commonwealth has provided Good Samaritans with dedicated funding and at least limited liability protection via state Good Samaritan law. The Pennsylvania model is precisely what we need to export to the federal level for all abandoned mine pollution.

There are numerous watershed groups that have formed in this country for the purpose of protecting, conserving and enhancing the natural resources of their local communities. They work collaboratively with government agencies and landowners to develop solutions to complex watershed problems. The following are some examples of the good work that is occurring.

By using the CERCLA liability protection and avoiding projects that trigger Clean Water Act liability, and with the support of the Tiffany & Co. Foundation, Freeport-McMoRan Copper & Gold, Inc., and other partners and supporters, TU has made substantial progress in cleaning up abandoned mine impacts in several watersheds in the West.

American Fork, Utah. The Pacific Mine cleanup in the American Fork Canyon was the first voluntary, non-profit-led abandoned hardrock mine restoration project in the West. TU and its partners received awards from the Utah Board of Oil, Gas and Mining and the EPA for work on the American Fork. Anglers can now catch Bonneville cutthroat trout immediately downstream of the area where pollution used to run off mine tailings piles.

Mores Creek, Idaho. To date, over 14,000 cubic yards of mine tailings have been removed from the banks of Mores Creek to create a more natural floodplain area, and trees planted along the stream will provide critically needed shade for coldwater fish. Hundreds of schoolchildren from the area have participated in tree plantings and other restoration work. Migratory fish are now seen using instream habitat structures installed as part of the restoration effort.

Kerber Creek Watershed, Colorado. In total, TU and its partners restored over 80 acres of mine tailings, improved 8 miles of stream, and installed more than 340 instream structures that are now home to a reproducing brook trout population. Volunteers logged over 13,000 hours of work in the watershed over the past three years. The restoration project has received four prestigious awards: the BLM's *Hardrock Mineral Environmental Award*, the Colorado Riparian Association's *Excellence in Riparian Area Management Award*, the Rocky Mountain Region of the USFS's *Forest and Grassland Health Partner of the Year*, and the Public Lands Foundation's *Landscape Stewardship Award*.

Leavenworth Creek Watershed, Colorado. In 2015, TU and Federal partners removed and capped 5,400 cubic yards of mill tailings containing high levels of zinc and lead, while constructing 2,500 feet of hardened channel through a dispersed tailings area adjacent to the Waldorf Mine. Removing the mill tailings, creating a vegetated floodplain, and establishing a hardened channel will allow for the conveyance of clean surface water runoff to Leavenworth Creek. This is an important step in improving water quality to downstream South Clear Creek, which acts as the drinking water source for the town of Georgetown, Colo.

Clark Fork River Basin, Montana. TU and partners have reclaimed four mine sites in the Middle Clark Fork River and have six ongoing mine reclamation project in the planning and design phases. For example, on Mattie V Creek, TU and its partners removed 12,000 cubic yards of dredge tailings and reclaimed 500 feet of stream channel reclamation project. Fish are now swimming up Mattie V Creek from Ninemile Creek for the first time in 80 years. Because of these and other accomplishments, the TU project manager in Montana was awarded with the American Fisheries Society's Individual Achievement Award and the US Forest Service's Rise to the Future Award in 2010.

Kettle Creek, Pennsylvania. Our experiences in Pennsylvania, where Clean Water Act liability has historically not been a concern, are illustrative of the positive affect of Good Samaritan cleanups. Over the past 10-15 years, Pennsylvania has seen a dramatic increase in abandoned mine reclamation projects by watershed groups, including TU. This boom has been fueled by funding from the state's Growing Greener grant program and the federal Abandoned Mine Land (AML) reclamation fund. Most of these projects involve treatment of acid mine drainage using passive treatment systems, which run the polluted mine drainage through a series of limestone basins and wetlands that increase the water's pH and cause heavy metals to precipitate out. These projects have significantly improved water quality and restored fish populations in numerous Pennsylvania streams.

The Pennsylvania Department of Environmental Protection estimates that public funding sources have paid for the construction of nearly 250 passive treatment systems in the state, the majority of which have been constructed by private watershed groups, conservation districts or other local groups.

Beginning in 1998, the work of TU and its partners in the lower Kettle Creek watershed has resulted in the reclamation of approximately 160 acres of scarred abandoned mine lands and installation of nine treatment systems that successfully improved mine water polluted with high levels of acidity and metals. The results to date have been tremendous, with water quality restored to 3 miles of previously dead streams and 6 miles of a fully reconnected and thriving native brook trout population.

This story of recovery plays out again and again in individual streams and watersheds. Several years ago, the Babb Creek Watershed Association accomplished delisting 14 miles of Babb

Creek, now a wild trout fishery, from EPA's impaired streams list. Another 14 miles in the Tangascootack Creek watershed is pending removal from the impaired streams list as a result of passive treatment systems constructed by the Clinton County Conservation District.

On a much larger scale, the West Branch Susquehanna River watershed has made tremendous strides over the past few decades. A comparison of conditions in the West Branch Susquehanna in 1972 with those in 2009 indicated that fish species increased 3,000 percent, and pH increased from 3.8 to 6.6. In acknowledgement of TU's leading role in advancing abandoned mine cleanup projects that focus on restoring trout streams across the West Branch Susquehanna River watershed, TU was honored with the prestigious *President's Fishery Conservation Award* in 2011 from the American Fisheries Society.

These improvements result in economic benefits. In Pennsylvania, almost \$4 billion was spent on fishing, hunting, and wildlife viewing in 2006. A 2008 study found that full remediation of the West Branch Susquehanna River watershed would result in "an additional \$22.3 million in sport fishing revenues could be expected to be generated each year. Additional recreation spending—over and above that for fishing—would be expected after remediation is completed."^[1]

Regardless of the overall scope of the abandoned mine problem, each of these Good Samaritan projects restored a significant water body and represents a big win for the local community.

Assessment of the Draft Bill

There are two main ingredients for effective abandoned mine pollution cleanups: (1) well-designed liability protection for Good Samaritans involved in cleanup efforts, and (2) increased, dedicated funding to get the job done. The Draft bill focuses solely on the challenging task of developing Good Samaritan policy.

1. Positive Features of the Draft Bill

The Draft is a good blend of past approaches. In particular, it uses features found in the Tipton/Udall/Bennet bill from the 113th Congress (H.R. 2970;S. 1443, as well as the Salazar/Allard (S.1848), of the 109th Congress, which was approved by this committee but advanced no further through the legislative process.

The bill proposes a new permitting process, but deals narrowly and appropriately with the two laws that matter most to successful Good Samaritan policy, CERCLA and the Clean Water Act.

^[1] Evan Hansen, Alan Collins, Julie Svetlik, Sarah McClurg, Alyse Shrecongost, Rob Stenger, Mariya Schilz, and Fritz Boettner. *An Economic Benefit Analysis for Abandoned Mine Drainage Remediation in the West Branch Susquehanna River Watershed, Pennsylvania*. Downstream Strategies, LLC. July 3, 2008.

The Draft does not include NEPA limitations or exemptions from other environmental law. EPA and approved states and Tribes are the appropriate implementing agencies

The Draft's permitting mechanism has numerous requirements and steps, but we view it as workable. We like the bill's fundamental permitting standard: Projects must meet applicable water quality standards to the maximum extent practicable "under the circumstances." We will need to make sure that implementing agencies understand that "under the circumstances" will mean performing cleanup activities that are cost-effective at high elevations and in remote locales.

Another positive feature is that projects are eligible for Clean Water Act Section 319 funding. Abandoned mine clean activities sometimes fall in to a gray area of the law between non-point and point source control. Greater application of 319 funds to this work will be very helpful.

We appreciate the provisions for approved States and Tribes to run the program. Colorado, for example, leads the way for hardrock mining cleanup, and it should be well positioned to run an effective Good Samaritan program. Another hopeful sign is that, as we observed above in the testimony, Pennsylvania leads the nation in cleanup of abandoned coal mines. That state is showing all of us how much can be accomplished when both funding and effective state-based Good Samaritan policy are nourishing good projects on the ground.

Lastly, the Draft provides protection from future liability from the two laws once Good Samaritans have successfully completed their permitted work activities. This provision is much appreciated and is in fact, essential for any Good Samaritan projects.

2. Sections of the Draft where improvements might be added

Permit compliance issues: Trout Unlimited has never violated any of the terms of the CERCLA-based Good Samaritan projects, or any of the Pennsylvania state Good Samaritan policies. We ALWAYS work very hard to be good Good Samaritans.

However, we and our contractors are human, and in the unlikely event that permit terms would be violated under the provisions envisioned by the Draft, the ensuing enforcement actions must be reasonable and commensurate with the harms caused by the permit violations, or prospective Good Samaritans will never do any projects because of risk and liability concerns. Monitoring violations which led to no damage to water quality, for example, would be far less egregious than a violation that caused substantial damage to water quality below the baseline established in the permit.

Therefore, the three sections that come in to play due to permit violations, the "Failure to Comply" liabilities, the "Enforcement" penalties, and the prospective "citizen suit" provision,

should be viewed individually and collectively, as they would be by a prospective Good Samaritan.

- In the “Failure to Comply” section, we appreciate the “deminimus” exception for violations that do not substantially degrade water quality.
- In the Enforcement section, we appreciate the requirement to restore any degradation caused by permit violations, but the \$10,000/day fines are a little daunting, even though this provision is rooted in existing and longstanding Clean Water Act policy.
- Regarding, Citizen Suits, TU has no problem with its inclusion, as long as it is narrowly targeted on the permit conditions and standards, and as long as any ensuing penalties are truly commensurate with water quality damage caused by permit violations.

Permit mechanism: Finally, we note that all 16 steps of the permit mechanism are reasonable, but when the process is viewed in its entirety, it is potentially a lot of work, and potentially significant expense to incur, for prospective Good Samaritans to obtain permits. As we go through the legislative process, we urge the Committee to consider fine-tuning enhancements to the permit mechanism that might diminish the permit burden for some low environmental risk, low complexity projects.

3. Other Considerations for Cleaning Up Abandoned Mine Pollution

The Draft does not address Good Samaritan policies for abandoned coalmine pollution. We fully understand the reasons for not including coal Good Samaritan provisions. Coal Good Samaritan legislation is needed, but we urge all stakeholders to seek ways to address coal Good Samaritan policy without undermining the promising effort embodied in the Draft. We think the old axiom applies to this situation: There are many different paths to the top of the mountain, but when we get there, the view is the same. Let’s find a path for coal Good Samaritan legislation that enhances prospects for both hardrock and coal Good Samaritans

Finally, and importantly, increased, dedicated funding for hardrock abandoned Mine cleanup work is needed. Even if a perfect Good Samaritan bill is approved and implemented, the work will be hampered without adequate funding.

We urge Congress to consider establishing a fair royalty from any minerals taken from public lands, a portion of which could be invested in an abandoned hardrock mine cleanup fund. Almost every commodity developed on our public lands — coal, wood fiber, oil, gas, and livestock forage — has dedicated funding for mitigation of impacts and restoration. The only commodity that lacks such a dedicated fund is hardrock minerals.

Similarly, Congress needs to start work on reauthorizing Title IV AML for coal. The AML fund is the lifeblood of funding for abandoned coal mining work in the coalfield areas of America, especially the East. Congress passed a very useful 15-year reauthorization for the AML fund in 2006. Trout Unlimited and other stakeholders urge Congress to get started on the task of reauthorization now to ensure a smooth reauthorization is achieved by 2021. Such a valuable, complex law is worth the effort needed to make sure the critical funding is maintained.

Conclusion

Improving water quality around the Nation is a fundamental goal of the work of this Committee, and thus we are pleased that the Committee is looking at one of the most vexing water problems remaining in the U.S. We stand ready to work with you so that affected communities around the country will again have clean, fishable waters.

Thank you for considering our views, and thank you for working with us on these important matters.