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Boston, MA

EXECUTIVE DIRECTOR
Ken Kirk

June 19, 2006

The Honorable James M. Inhofe
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman:

NACWA applauds your introduction of the *Good Samaritan Clean Watershed Act*, S. 2780. The bill would effectively and fairly eliminate disincentives for voluntary, cooperative efforts aimed at cleaning up abandoned mines. This innovative approach is important to interested stakeholders, including publicly owned treatment works (POTWs) who want to prevent further degradation of and help to improve the quality of waters impaired by runoff from abandoned mines.

Passage of the *Good Samaritan Clean Watershed Act* is long overdue and is strongly supported by NACWA as a necessary means to help clean up our watersheds to attain the nation's clean water quality goals. Failure to enact S. 2780 would negatively impact municipalities that want to voluntarily clean up all or portions of abandoned mine sites due to the increased risk of inheriting the liability for any continuing discharges. As you heard in testimony at your June 14 hearing, POTWs, have one overarching goal in mind – water quality improvement – and need as many tools as possible to clean up impaired waterways. Significantly, S.2780 would offer liability protection to municipalities upon approval by, and the ongoing oversight of, the U.S. Environmental Protection Agency (EPA).

NACWA understands the concerns voiced by some stakeholders and Senators at the hearing regarding the CERCLA liability waiver that constitutes the primary incentive to attract Good Samaritans. The Association, however, believes these concerns are mitigated by the legislation's requirement that prospective Good Samaritans must apply for a permit from EPA prior to remediation activity beginning at the site. Indeed, EPA would approve such a permit only if it determines that the remediation plan demonstrates with reasonable certainty that the actions will result in an improvement in water quality.

Thank you for your continuing support for clean water in America and we look forward to working with you to enact S. 2780 into law.

Sincerely,



Ken Kirk
NACWA Executive Director