

ready for use or sale, or initially used in manufacture or service. Net proceeds are defined as how much of the gross proceeds remain after deducting the costs of mine development; mineral extraction; transporting minerals for smelting or similar processing; mineral processing; marketing and delivery to customers; maintenance and repairs of machinery and facilities; depreciation; insurance on mine facilities and equipment; insurance for employees; and royalties and taxes.

Based on Nevada Model

This method of calculating fees is similar to that used by the State of Nevada, which collects similar production-based fees from mines in that state. However, the fees in my bill are more moderate than those set by the Nevada law in one important respect—Nevada imposes its maximum fee rate on all mines with net proceeds of \$5 million or more, regardless of the ratio between those net proceeds and the gross proceeds. My bill does not do that—instead, all of its fees are based on the ratio. In other words, under my bill a mine with earnings (i.e., net proceeds) of more than \$5 million per year still might pay the minimum fee if those earnings were less than 10% of the gross proceeds.

Estimated Proceeds from Fees and Use of Fund

There are not sufficient data available to say exactly how much money would go into the new reclamation fund each year under my bill. However, the United States Geological Survey does have information about the number of operating copper and gold mines and the State of Nevada has data about the money raised by their similar fee system. By extrapolating from those data, it is possible to estimate that the fees provided for in my bill would generate about \$40 million annually for the Abandoned Minerals Mine Reclamation Fund.

Funds in the new reclamation fund would be available for appropriation for grants to States to complete inventories of abandoned hardrock mine sites, as mentioned above. A state with sites covered by the bill could receive a grant of up to \$2 million annually for this purpose. In addition, and again subject to appropriation, money from the new reclamation fund would be available for cleanup work at eligible sites.

To be eligible, a site would have to be within a state subject to operation of the general mining laws that has completed its statewide inventory. Within those states, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, re-mining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund.

The Interior Department could use money appropriated from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new

“good Samaritan” permits provided for in Title II of the bill.

Among eligible sites, priorities for funding would be based on the presence and severity of threats to public health, safety, general welfare, or property from the effects of past mining and the improvement that cleanup work could make in restoration of degraded water and other resources. The first priority would be for sites where effects of past mining pose an extreme danger. After that, priorities would be sites where past mining has resulted in adverse effects (but not extreme danger) and then those where past mining has not led to equally serious consequences but where cleanup work would have a beneficial effect.

Further, the bill recognizes that in Colorado and other states there are often concentrations of abandoned mining sites that vary in the severity of their threat to the public health and the environment but that can and should be dealt with in a comprehensive manner. Therefore, it provides that sites of varying priority should be dealt with at the same time when that is feasible and appropriate.

Title II. Protection for “Good Samaritans”

Second, the threat of long-term liability. To help encourage the efforts of “good Samaritans,” the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain standards and requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (“NPDES”) permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

I think such protection would encourage more efforts to resolve problems like those at the Pennsylvania Mine.

Together, these two programs could help us begin to address a problem that has frustrated federal and state agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history. The Pennsylvania Mine and the Jamestown area are but two examples—others can be found throughout the west. And as population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable.

PAYING TRIBUTE TO RAYMOND PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Raymond Harold Peterson who recently passed away in Grand Junction, Colorado on February 17, 2002. Raymond, also known as Ray, will always be remembered as a dedicated contributor to his community and this nation. His passing is a great loss for his family and a town that relied on Ray for his kind heart, knowledge, and friendship.

Raymond was born in Iowa in 1920 and served his country gallantly in World War II. As a member of the U.S. Army Fourth Infantry Division, Raymond served in Germany during the latter part of the war. His actions and wounds were recognized several times throughout the course of the war, notably with the Bronze Star Medal for Valor and the Purple Heart Medal for wounds sustained in combat. Following his service to his country in the war, Raymond married his sweetheart Kathleen in November of 1945, eventually settling in Colorado. There he worked for the General Services Administration at the Denver Federal Center until his retirement in 1967.

Raymond remained involved in his community throughout his life and was often found immersed in his true passion, nature. He is survived by his loving wife Kathleen, daughters Judith and Connie, and several grandchildren and great-grandchildren. I know the passing of a love one is difficult, but I hope his family finds comfort in knowing that Raymond's kindness and generosity will live on through his family and friends.

Mr. Speaker, Raymond Peterson will be greatly missed by the many whose lives he has touched in the community, and this nation. As a veteran, Raymond fought to uphold the values that we as Americans cherish dearly today and throughout his career he worked for his fellow citizens. I am grateful to Raymond and the many others of his generation who gave of themselves selflessly so that we may enjoy the freedom of democracy today. It is with a solemn heart that we say goodbye and pay our respects to a patriarch of the Peterson family and the Grand Junction community.

IN RECOGNITION OF THE GIRL SCOUTS OF AMERICA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the Girl Scouts of America. The Girl Scouts turn 90 years old this year, and have a long and progressive history in our country.

The Girl Scouts were started in 1912 by Juliette Gordon Lowe. Her belief that all girls should experience physical, mental and spiritual growth through community involvement soon grew from a 18 member organization in 1912, to a 70 thousand member organization in 1920.