



**WESTERN
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August 10, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to you as Chairman and Vice Chair of the Western Governors' Association. Western Governors recently adopted two policy resolutions which we want to bring to your attention.

The first resolution, *10-16 National Minerals Policy*, deals with hardrock minerals. We call your attention specifically to section B. 5. which states "New financial assurance requirements imposed upon the hardrock mining industry under CERCLA Section 108(b) could duplicate or complicate existing State financial assurance regulations in this area."

As you know, financial assurance for closure and reclamation for the hardrock mining industry has long been implemented at the state level. States accordingly have extensive experience and expertise in determining which financial assurance mechanisms are (or are not) appropriate in the mining sector, the risks for which financial assurance should be provided, and the appropriate levels that should be required.

The Western Governors believe our states' expertise in this field is critical to ensuring the protection of our lands against any potential risk associated with mining projects within our borders. New federal regulations could create confusion and result in duplicative regulatory efforts and, as CERCLA is a non-delegable federal program, it provides no opportunity for implementation through our experienced state environmental agencies.

The Western Governors encourage the EPA to work in partnership with states to fill perceived gaps in existing state financial assurance programs – especially gaps that, if not filled, could lead to the creation of new Superfund sites.

Lisa P. Jackson
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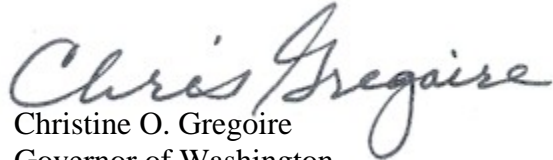
The second resolution is *10-17 Hydraulic Fracturing for Oil and Natural Gas Development*. In that resolution we encourage EPA to “leverage the knowledge base and the policies already in place at the state level that are protecting Americans’ drinking water” in the new EPA hydraulic fracture study process.

Both resolutions are attached. We look forward to working with your agency on these matters.

Sincerely,



C.L. “Butch” Otter
Governor of Idaho
Chairman



Christine O. Gregoire
Governor of Washington
Vice Chairman

Attachments

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