



PROSPECTING FOR POLLUTION:

THE NEED FOR BETTER INCENTIVES TO CLEAN UP ABANDONED MINES

Hundreds of thousands of abandoned mines pockmark the American West, polluting streams and degrading the environment for people and wildlife. In many cases, their owners are long dead or bankrupt, so ownership reverts to the U.S. government. But federal cleanups at contaminated sites are slow, expensive, and limited by available funding.

Private groups, states, and local governments have expressed interest in cleaning up abandoned mines, but regulatory disincentives often discourage such Good Samaritans from doing so.

GOOD SAMARITANS TO THE RESCUE?

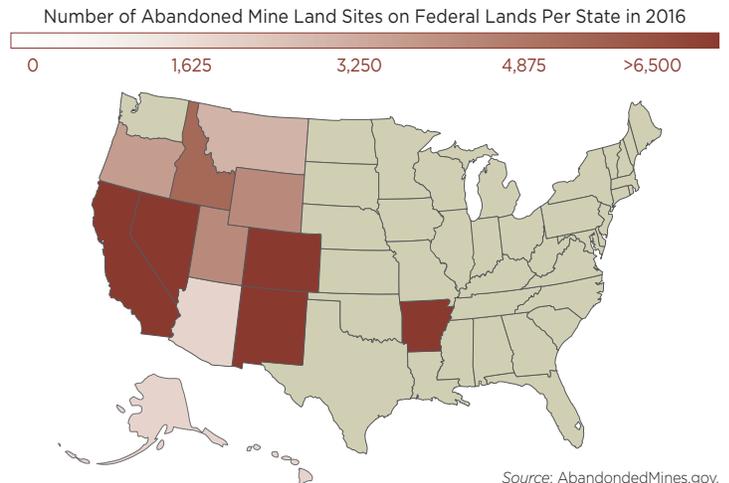
Cost savings, profit potential, and ecological benefits make voluntary abandoned mine cleanups attractive

- **Utilities** can lower their water treatment costs downriver
- **Modern miners** can recover valuable materials
- **Conservationists** can improve water quality for wildlife



In August 2015, the Animas River turned yellow after the Gold King Mine spill released three million gallons of toxin-laden water.

CONCENTRATION OF ABANDONED MINES



Source: AbandonedMines.gov.
Data from Bureau of Land Management and National Park Service.

DISINCENTIVES FOR ACTION

- **“If you touch it, you own it”:** Any voluntary action Good Samaritans take to decrease the impact of an abandoned mine can make them liable for the full cost of cleaning it up—liability that routinely exceeds \$100 million
- **Litigation risk:** Even if a Good Samaritan reduces pollution seeping from a mine, any remaining flow can trigger liability under the Clean Water Act and expose them to costly lawsuits
- **Red tape:** Good Samaritans may be required to investigate other potentially liable parties and navigate complex cleanup permitting requirements

HOW TO ENCOURAGE CLEANUPS

- **Reward successful cleanups** instead of holding Good Samaritans liable for pollution they did not create. Only hold them accountable for negligence or for making conditions worse
- **Streamline Good Samaritan permitting** to include only what is necessary for safe, effective cleanups
- **Use water quality markets** to prioritize the most cost-effective cleanups and increase the profit potential of pollution reductions

For PERC’s full 2020 Public Lands Report “Prospecting for Pollution: The Need for Better Incentives to Clean Up Abandoned Mines,” visit perc.org/mines

PERC is a nonprofit research institute dedicated to improving environmental quality through markets and property rights. Learn more at perc.org