

108b Hard Rock Mining FAQs

What action is EPA taking today?

EPA is inviting small businesses to participate in a Small Business Advocacy Review (SBAR) panel on a proposed rule that would establish financial responsibility requirements for classes of facilities within the hard rock mining industry.

What is a Small Business Advocacy Review Panel?

A panel of representatives from the Small Business Administration, the Office of Management and Budget and EPA. The panel will ask a selected group of Small Entity Representatives (SERs) from the hard rock mining industry to provide advice and recommendations on the proposed rule to the panel. [For more information](#) on the process.

Why is EPA doing this?

The Regulatory Flexibility Act requires EPA to establish a federal panel for rules that may have a significant economic impact on a substantial number of small entities.

Why is EPA proposing to regulate hard rock mining facilities?

The requirements will help ensure that owners and operators of the facilities, not taxpayers, foot the bill for environmental cleanup. EPA research indicates that hard rock mining industry typically operates on a large scale, with releases of toxic chemicals to the environment and in some situations, subsequent exposure of humans, organisms, and ecosystems to hazardous substances on a similarly large scale. The metal mining industry released nearly 1.15 billion pounds of hazardous substances in 2007. The severity of consequences as a result of releases of and exposure to hazardous substances is evident in the enormous costs associated with past and projected future actions necessary to protect public health and the environment.

Will this rule apply to my business?

Please refer to the [July 28, 2009 Federal Register notice](#) and the [December 6, 2010 notice](#) for more information.

How Can I Get Involved?

You may potentially be subject to this rulemaking and are eligible to serve as a Small Entity Representative (SER), if you are the owner or operator of a small hard rock mining or mineral processing facility. You may nominate yourself to serve as a SER by following the directions in the [December 6, 2010 notice](#). The deadline for self-nominations is Monday, December 20, 2010. Depending on the volume of responses, EPA may not be able to invite all qualified candidates to participate as SERs. Generally, SERs will be asked to review background information, listen to informational briefings, and provide oral and written advice and recommendations to the Panel.

How can I comment on the proposed rule if I am not chosen to serve on the panel or if I am not an eligible entity?

You will have the opportunity to submit comments concerning this rulemaking during the standard public comment period commencing after publication of the notice of proposed rulemaking in the Federal Register.