

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 2781

To promote remediation of abandoned hardrock mines, and
for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan Reme-
5 diation of Abandoned Hardrock Mines Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ABANDONED HARDROCK MINE SITE.—

9 (A) IN GENERAL.—The term “abandoned
10 hardrock mine site” means an abandoned or in-
11 active hardrock mine site and any facility asso-

1 (i) in a temporary shutdown or ces-
2 sation;

3 (ii) included on the National Priorities
4 List developed by the President in accord-
5 ance with section 105(a)(8)(B) of the
6 Comprehensive Environmental Response,
7 Compensation, and Liability Act of 1980
8 (42 U.S.C. 9605(a)(8)(B)) or proposed for
9 inclusion on that list;

10 (iii) that is the subject of a planned or
11 ongoing response action under the Com-
12 prehensive Environmental Response, Com-
13 pensation, and Liability Act of 1980 (42
14 U.S.C. 9601 et seq.) or a similar Federal
15 and State reclamation or cleanup program;

16 (iv) that has a responsible owner or
17 operator; or

18 (v) that actively mined or processed
19 minerals after December 11, 1980.

20 (2) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (3) APPLICABLE WATER QUALITY STAND-
24 ARDS.—The term “applicable water quality stand-
25 ards” means the water quality standards promul-

1 gated by the Administrator or adopted by a State or
2 Indian tribe and approved by the Administrator pur-
3 suant to the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.).

5 (4) BASELINE CONDITIONS.—The term “base-
6 line conditions” means the concentrations, locations,
7 and releases of any hazardous substances, pollut-
8 ants, or contaminants, as described in the Good Sa-
9 maritan permit, present at an abandoned hardrock
10 mine site prior to undertaking any action under this
11 Act.

12 (5) COOPERATING PERSON.—

13 (A) IN GENERAL.—The term “cooperating
14 person” means any person that is named by the
15 Good Samaritan in the permit application as a
16 cooperating entity.

17 (B) EXCLUSIONS.—The term “cooperating
18 person” does not include—

19 (i) a responsible owner or operator
20 with respect to the abandoned hardrock
21 mine site described in the permit applica-
22 tion;

23 (ii) a person that had a role in the
24 creation of historic mine residue at the

1 abandoned hardrock mine site described in
2 the permit application; or

3 (iii) a Federal agency.

4 (6) COVERED PERMIT.—The term “covered per-
5 mit” means—

6 (A) a Good Samaritan permit; and

7 (B) an investigative sampling permit.

8 (7) FEDERAL LAND MANAGEMENT AGENCY.—

9 The term “Federal land management agency”
10 means any Federal agency authorized by law or ex-
11 ecutive order to exercise jurisdiction, custody, or
12 control over land owned by the United States.

13 (8) GOOD SAMARITAN.—The term “Good Sa-
14 maritan” means a person that, with respect to his-
15 toric mine residue, as determined by the Adminis-
16 trator—

17 (A) is not a past or current owner or oper-
18 ator of—

19 (i) the abandoned hardrock mine site
20 at which the historic mine residue is lo-
21 cated; or

22 (ii) a portion of that abandoned
23 hardrock mine site;

24 (B) had no role in the creation of the his-
25 toric mine residue; and

1 (C) is not potentially liable under any Fed-
2 eral, State, Tribal, or local law for the remedi-
3 ation, treatment, or control of the historic mine
4 residue.

5 (9) GOOD SAMARITAN PERMIT.—The term
6 “Good Samaritan permit” means a permit granted
7 by the Administrator under section 4(a)(1).

8 (10) HISTORIC MINE RESIDUE.—

9 (A) IN GENERAL.—The term “historic
10 mine residue” means mine residue or any con-
11 dition at an abandoned hardrock mine site re-
12 sulting from hardrock mining activities.

13 (B) INCLUSIONS.—The term “historic
14 mine residue” includes—

15 (i) previously mined ores and minerals
16 other than coal that contribute to acid
17 mine drainage or other pollution;

18 (ii) equipment (including materials in
19 equipment);

20 (iii) any tailings facilities, heap leach
21 piles, dump leach piles, waste rock, over-
22 burden, slag piles, or other waste or mate-
23 rial resulting from any extraction,
24 beneficiation, or other processing activity

1 that occurred during the active operation
2 of an abandoned hardrock mine site;

3 (iv) any acidic or otherwise polluted
4 flow in surface water or groundwater that
5 originates from, or is pooled and contained
6 in, an inactive or abandoned hardrock
7 mine site, such as underground workings,
8 open pits, in-situ leaching operations,
9 ponds, or impoundments;

10 (v) any hazardous substance (as de-
11 fined in section 101 of the Comprehensive
12 Environmental Response, Compensation,
13 and Liability Act of 1980 (42 U.S.C.
14 9601));

15 (vi) any pollutant or contaminant (as
16 defined in section 101 of the Comprehen-
17 sive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C.
19 9601)); and

20 (vii) any pollutant (as defined in sec-
21 tion 502 of the Federal Water Pollution
22 Control Act (33 U.S.C. 1362)).

23 (11) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in—

1 (A) section 518(h) of the Federal Water
2 Pollution Control Act (33 U.S.C. 1377(h)); or

3 (B) section 101 of the Comprehensive En-
4 vironmental Response, Compensation, and Li-
5 ability Act of 1980 (42 U.S.C. 9601).

6 (12) INVESTIGATIVE SAMPLING PERMIT.—The
7 term “investigative sampling permit” means a per-
8 mit granted by the Administrator under section
9 4(d)(1).

10 (13) PERSON.—The term “person” means any
11 entity described in—

12 (A) section 502(5) of the Federal Water
13 Pollution Control Act (33 U.S.C. 1362(5)); or

14 (B) section 101(21) of the Comprehensive
15 Environmental Response, Compensation, and
16 Liability Act of 1980 (42 U.S.C. 9601(21)).

17 (14) REMEDIATION.—

18 (A) IN GENERAL.—The term “remedi-
19 ation” means any action taken to investigate,
20 characterize, or cleanup, in whole or in part, a
21 discharge, release, or threat of release of a haz-
22 ardous substance, pollutant, or contaminant
23 into the environment at or from an abandoned
24 hardrock mine site, or to otherwise protect and
25 improve human health and the environment.

1 (B) INCLUSION.—The term “remediation”
2 includes any action to remove, treat, or contain
3 historic mine residue to prevent, minimize, or
4 reduce—

5 (i) the release or threat of release of
6 a hazardous substance, pollutant, or con-
7 taminant that would harm human health
8 or the environment; or

9 (ii) a migration or discharge of a haz-
10 ardous substance, pollutant, or contami-
11 nant that would harm human health or the
12 environment.

13 (C) EXCLUSION.—The term “remediation”
14 does not include any action that requires plug-
15 ging, opening, or otherwise altering the portal
16 or adit of the abandoned hardrock mine site.

17 (15) RESERVATION.—The term “reservation”
18 has the meaning given the term “Indian country” in
19 section 1151 of title 18, United States Code.

20 (16) RESPONSIBLE OWNER OR OPERATOR.—
21 The term “responsible owner or operator” means a
22 person that is—

23 (A)(i) legally responsible under section 301
24 of the Federal Water Pollution Control Act (33

1 U.S.C. 1311) for a discharge that originates
2 from an abandoned hardrock mine site; and

3 (ii) financially able to comply with each re-
4 quirement described in that section; or

5 (B)(i) a present or past owner or operator
6 or other person that is liable with respect to a
7 release or threat of release of a hazardous sub-
8 stance, pollutant, or contaminant associated
9 with the historic mine residue at or from an
10 abandoned hardrock mine site under section
11 104, 106, 107, or 113 of the Comprehensive
12 Environmental Response, Compensation, and
13 Liability Act of 1980 (42 U.S.C. 9604, 9606,
14 9607, 9613); and

15 (ii) financially able to comply with each re-
16 quirement described in those sections, as appli-
17 cable.

18 **SEC. 3. SCOPE.**

19 Nothing in this Act—

20 (1) except as provided in section 4(n), reduces
21 any existing liability under Federal, State, or local
22 law;

23 (2) except as provided in section 4(n), releases
24 any person from liability under Federal, State, or
25 local law, except in compliance with this Act;

1 (3) authorizes the conduct of any mining or
2 processing other than the conduct of any processing
3 of previously mined ores, minerals, wastes, or other
4 materials that is authorized by a Good Samaritan
5 permit;

6 (4) imposes liability on the United States or a
7 Federal land management agency pursuant to sec-
8 tion 107 of the Comprehensive Environmental Re-
9 sponse, Compensation, and Liability Act of 1980 (42
10 U.S.C. 9607) or section 301 of the Federal Water
11 Pollution Control Act (33 U.S.C. 1311); or

12 (5) relieves the United States or any Federal
13 land management agency from any liability under
14 section 107 of the Comprehensive Environmental
15 Response, Compensation, and Liability Act of 1980
16 (42 U.S.C. 9607) or section 301 of the Federal
17 Water Pollution Control Act (33 U.S.C. 1311) that
18 exists apart from any action undertaken pursuant to
19 this Act.

20 **SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARI-**
21 **TAN PILOT PROJECT AUTHORIZATION.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—The Administrator shall es-
24 tablish a pilot program under which the Adminis-
25 trator shall grant not more than 15 Good Samaritan

1 permits to carry out projects to remediate historic
2 mine residue at any portions of abandoned hardrock
3 mine sites in accordance with this Act.

4 (2) OVERSIGHT OF PERMITS.—The Adminis-
5 trator may oversee the remediation project under
6 paragraph (1), and any action taken by the applica-
7 ble Good Samaritan or any cooperating person
8 under the applicable Good Samaritan permit, for the
9 duration of the Good Samaritan permit, as the Ad-
10 ministrators determines to be necessary to review the
11 status of the project.

12 (3) SUNSET.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the pilot program described
15 in paragraph (1) shall terminate on the date
16 that is 7 years after the date of enactment of
17 this Act.

18 (B) EXCEPTION.—Notwithstanding sub-
19 paragraph (A), the Administrator may grant a
20 Good Samaritan permit pursuant to this Act
21 after the date identified in subparagraph (A) if
22 the application for the Good Samaritan per-
23 mit—

24 (i) was submitted not later than 180
25 days before that date; and

1 (ii) was completed in accordance with
2 subsection (c) by not later than 7 years
3 after the date of enactment of this Act.

4 (C) EFFECT ON CERTAIN PERMITS.—Any
5 Good Samaritan permit granted by the deadline
6 prescribed in subparagraph (A) or (B), as ap-
7 plicable, that is in effect on the date that is 7
8 years after the date of enactment of this Act
9 shall remain in effect after that date in accord-
10 ance with—

11 (i) the terms and conditions of the
12 Good Samaritan permit; and

13 (ii) this Act.

14 (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

15 (1) IN GENERAL.—To be eligible to receive a
16 Good Samaritan permit to carry out a project to re-
17 mediate an abandoned hardrock mine site, a person
18 shall demonstrate that, as determined by the Admin-
19 istrator—

20 (A) the abandoned hardrock mine site that
21 is the subject of the application for a Good Sa-
22 maritan permit is located in the United States;

23 (B) the purpose of the proposed project is
24 the remediation at that abandoned hardrock
25 mine site of historic mine residue;

1 (C) the proposed activities are designed to
2 result in the partial or complete remediation of
3 historic mine residue at the abandoned
4 hardrock mine site within the term of the Good
5 Samaritan permit;

6 (D) the proposed project poses a low risk
7 to the environment, as determined by the Ad-
8 ministrator;

9 (E) to the satisfaction of the Adminis-
10 trator, the person—

11 (i) possesses, or has the ability to se-
12 cure, the financial and other resources nec-
13 essary—

14 (I) to complete the permitted
15 work, as determined by the Adminis-
16 trator; and

17 (II) to address any contingencies
18 identified in the Good Samaritan per-
19 mit application described in subsection
20 (c);

21 (ii) possesses the proper and appro-
22 priate experience and capacity to complete
23 the permitted work; and

24 (iii) will complete the permitted work;
25 and

1 (F) the person is a Good Samaritan with
2 respect to the historic mine residue proposed to
3 be covered by the Good Samaritan permit.

4 (2) IDENTIFICATION OF ALL RESPONSIBLE
5 OWNERS OR OPERATORS.—

6 (A) IN GENERAL.—A Good Samaritan
7 shall make reasonable and diligent efforts to
8 identify, from a review of publicly available in-
9 formation in land records or on internet
10 websites of Federal, State, and local regulatory
11 authorities, all responsible owners or operators
12 of an abandoned hardrock mine site proposed to
13 be remediated by the Good Samaritan under
14 this section.

15 (B) EXISTING RESPONSIBLE OWNER OR
16 OPERATOR.—If the Administrator determines,
17 based on information provided by a Good Sa-
18 maritan or otherwise, that a responsible owner
19 or operator exists for an abandoned hardrock
20 mine site proposed to be remediated by the
21 Good Samaritan, the Administrator shall deny
22 the application for a Good Samaritan permit.

23 (c) APPLICATION FOR PERMITS.—To obtain a Good
24 Samaritan permit, a person shall submit to the Adminis-
25 trator an application, signed by the person and any co-

1 operating person, that provides, to the extent known or
2 reasonably discoverable by the person on the date on which
3 the application is submitted—

4 (1) a description of the abandoned hardrock
5 mine site (including the boundaries of the aban-
6 doned hardrock mine site) proposed to be covered by
7 the Good Samaritan permit;

8 (2) a description of all parties proposed to be
9 involved in the remediation project, including any co-
10 operating person and each member of an applicable
11 corporation, association, partnership, consortium,
12 joint venture, commercial entity, or nonprofit asso-
13 ciation;

14 (3) evidence that the person has or will acquire
15 all legal rights or the authority necessary to enter
16 the relevant abandoned hardrock mine site and per-
17 form the remediation described in the application;

18 (4) a detailed description of the historic mine
19 residue to be remediated;

20 (5) a detailed description of the expertise and
21 experience of the person and the resources available
22 to the person to successfully implement and com-
23 plete the remediation plan under paragraph (7);

24 (6) to the satisfaction of the Administrator and
25 subject to subsection (d), a description of the base-

1 line conditions caused by the historic mine residue to
2 be remediated that includes—

3 (A) the nature and extent of any adverse
4 impact on the water quality of any body of
5 water caused by the drainage of historic mine
6 residue or other discharges from the abandoned
7 hardrock mine site;

8 (B) the flow rate and concentration of any
9 drainage of historic mine residue or other dis-
10 charge from the abandoned hardrock mine site
11 in any body of water that has resulted in an ad-
12 verse impact described in subparagraph (A);
13 and

14 (C) any other release or threat of release
15 of historic mine residue that has resulted in an
16 adverse impact to human health or the environ-
17 ment;

18 (7) subject to subsection (d), a remediation
19 plan for the abandoned hardrock mine site that de-
20 scribes—

21 (A) the nature and scope of the proposed
22 remediation activities, including—

23 (i) any historic mine residue to be ad-
24 dressed by the remediation plan; and

1 (ii) a description of the goals of the
2 remediation including, if applicable, with
3 respect to—

4 (I) the reduction or prevention of
5 a release, threat of release, or dis-
6 charge to surface waters; or

7 (II) other appropriate goals relat-
8 ing to water or soil;

9 (B) each activity that the person proposes
10 to take that is—

11 (i) designed to—

12 (I) improve or enhance water
13 quality or site-specific soil or sediment
14 quality relevant to the historic mine
15 residue addressed by the remediation
16 plan, including making measurable
17 progress toward achieving applicable
18 water quality standards; or

19 (II) otherwise protect human
20 health and the environment (including
21 through the prevention of a release,
22 discharge, or threat of release to
23 water, sediment, or soil); and

1 (ii) otherwise necessary to carry out
2 an activity described in subclause (I) or
3 (II) of clause (i);

4 (C) a plan describing the monitoring or
5 other forms of assessment that will be under-
6 taken by the person to evaluate the success of
7 the activities described in subparagraph (A)
8 during and after the remediation, with respect
9 to the baseline conditions, as described in para-
10 graph (6);

11 (D) to the satisfaction of the Adminis-
12 trator, detailed engineering plans for the
13 project;

14 (E) detailed plans for any proposed recy-
15 cling or reprocessing of historic mine residue to
16 be conducted by the person (including a de-
17 scription of how all proposed recycling or re-
18 processing activities contribute to the remedi-
19 ation of the abandoned hardrock mine site);
20 and

21 (F) identification of any proposed con-
22 tractor that will perform any remediation activ-
23 ity;

24 (8) subject to subsection (d), a schedule for the
25 work to be carried out under the project, including

1 a schedule for periodic reporting by the person on
2 the remediation of the abandoned hardrock mine
3 site;

4 (9) a health and safety plan that is specifically
5 designed for mining remediation work;

6 (10) a specific contingency plan that—

7 (A) includes provisions on response and
8 notification to Federal, State, Tribal, and local
9 authorities with jurisdiction over downstream
10 waters that have the potential to be impacted
11 by an unplanned release or discharge of haz-
12 ardous substances, pollutants, or contaminants;
13 and

14 (B) is designed to respond to unplanned
15 adverse events (such as adverse weather events
16 or a potential fluid release that may result from
17 addressing pooled water or hydraulic pressure
18 situations), including the sudden release of his-
19 toric mine residue;

20 (11) subject to subsection (d), a project budget
21 and description of financial resources that dem-
22 onstrate that the permitted work, including any op-
23 eration and maintenance, will be completed;

24 (12) subject to subsection (d), information dem-
25 onstrating that the applicant has the financial re-

1 sources to carry out the remediation (including any
2 long-term monitoring that may be required by the
3 Good Samaritan permit) or the ability to secure an
4 appropriate third-party financial assurance, as deter-
5 mined by the Administrator, to ensure completion of
6 the permitted work, including any long-term oper-
7 ations and maintenance of remediation activities
8 that may be—

9 (A) proposed in the application for the
10 Good Samaritan permit; or

11 (B) required by the Administrator as a
12 condition of granting the permit;

13 (13) subject to subsection (d), a detailed plan
14 for any required operation and maintenance of any
15 remediation, including a timeline, if necessary;

16 (14) subject to subsection (d), a description of
17 any planned post-remediation monitoring, if nec-
18 essary; and

19 (15) subject to subsection (d), any other appro-
20 priate information, as determined by the Adminis-
21 trator or the applicant.

22 (d) INVESTIGATIVE SAMPLING.—

23 (1) INVESTIGATIVE SAMPLING PERMITS.—The
24 Administrator may grant an investigative sampling
25 permit for a period determined by the Administrator

1 to authorize a Good Samaritan to conduct investiga-
2 tive sampling of historic mine residue, soil, sediment,
3 or water to determine—

4 (A) baseline conditions; and

5 (B) whether the Good Samaritan—

6 (i) is willing to perform further reme-
7 diation to address the historic mine res-
8 idue; and

9 (ii) will proceed with a permit conver-
10 sion under subsection (e)(1).

11 (2) NUMBER OF PERMITS.—

12 (A) LIMITATION.— Subject to subpara-
13 graph (B), the Administrator may grant not
14 more than 15 investigative sampling permits.

15 (B) APPLICABILITY TO CONVERTED PER-
16 MITS.—An investigative sampling permit that is
17 not converted to a Good Samaritan permit pur-
18 suant to paragraph (5) may be eligible for
19 reissuance by the Administrator subject to the
20 overall total of not more than 15 investigative
21 sampling permits allowed at any 1 time de-
22 scribed in subparagraph (A).

23 (3) APPLICATION.—If a Good Samaritan pro-
24 poses to conduct investigative sampling, the Good
25 Samaritan shall submit to the Administrator an in-

1 vestigative sampling permit application that con-
2 tains, to the satisfaction of the Administrator—

3 (A) each description required under para-
4 graphs (1), (2), and (5) of subsection (c);

5 (B) to the extent reasonably known to the
6 applicant, any previously documented water
7 quality data describing conditions at the aban-
8 doned hardrock mine site;

9 (C) the evidence required under subsection
10 (c)(3);

11 (D) each plan required under paragraphs
12 (9) and (10) of subsection (c); and

13 (E) a detailed plan of the investigative
14 sampling.

15 (4) REQUIREMENTS.—

16 (A) IN GENERAL.—If a person submits an
17 application that proposes only investigative
18 sampling of historic mine residue, soil, sedi-
19 ment, or water that only includes the require-
20 ments described in paragraph (1), the Adminis-
21 trator may grant an investigative sampling per-
22 mit that authorizes the person only to carry out
23 the plan of investigative sampling of historic
24 mine residue, soil, sediment, or water, as de-

1 scribed in the investigative sampling permit ap-
2 plication under paragraph (3).

3 (B) REPROCESSING.—An investigative
4 sampling permit—

5 (i) shall not authorize a Good Samari-
6 tan or cooperating person to conduct any
7 reprocessing of material; and

8 (ii) may authorize metallurgical test-
9 ing of historic mine residue to determine
10 whether reprocessing under subsection
11 (f)(4)(B) is feasible.

12 (C) REQUIREMENTS RELATING TO SAM-
13 PLES.—In conducting investigative sampling of
14 historic mine residue, soil, sediment, or water,
15 a Good Samaritan shall—

16 (i) collect samples that are representa-
17 tive of the conditions present at the aban-
18 doned hardrock mine site that is the sub-
19 ject of the investigative sampling permit;
20 and

21 (ii) retain publicly available records of
22 all sampling events for a period of not less
23 than 3 years.

24 (5) PERMIT CONVERSION.—Not later than 1
25 year after the date on which the investigative sam-

1 pling under the investigative sampling permit con-
2 cludes, a Good Samaritan to whom an investigative
3 sampling permit is granted under paragraph (1)
4 may apply to convert an investigative sampling per-
5 mit into a Good Samaritan permit under subsection
6 (e)(1).

7 (6) PERMIT NOT CONVERTED.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B)(ii)(I), a Good Samaritan who obtains
10 an investigative sampling permit may decline—

11 (i) to apply to convert the investiga-
12 tive sampling permit into a Good Samari-
13 tan permit under paragraph (5); and

14 (ii) to undertake remediation activities
15 on the site where investigative sampling
16 was conducted on conclusion of investiga-
17 tive sampling.

18 (B) EFFECT OF LACK OF CONVERSION.—

19 (i) IN GENERAL.—Notwithstanding a
20 refusal by a Good Samaritan to convert an
21 investigative sampling permit into a Good
22 Samaritan permit under subparagraph (A),
23 but subject to clause (ii), the provisions of
24 paragraphs (1) through (4) of subsection
25 (n) shall continue to apply to the Good Sa-

1 maritan and any cooperating persons after
2 the refusal to convert.

3 (ii) DEGRADATION OF SURFACE
4 WATER QUALITY.—

5 (I) OPPORTUNITY TO COR-
6 RECT.—If, before the date on which a
7 Good Samaritan refuses to convert an
8 investigative sampling permit under
9 subparagraph (A), actions by the
10 Good Samaritan or any cooperating
11 person have caused conditions at the
12 abandoned hardrock mine site to be
13 measurably worse, as determined by
14 the Administrator, when compared to
15 conditions described pursuant to para-
16 graph (3)(B), if applicable, the Ad-
17 ministrator shall provide the Good Sa-
18 maritan or cooperating person, as ap-
19 plicable, the opportunity to return the
20 conditions at the abandoned hardrock
21 mine site to those conditions.

22 (II) EFFECT.—If, pursuant to
23 subclause (I), the applicable Good Sa-
24 maritan or cooperating person does
25 not return the surface water quality

1 at the abandoned hardrock mine site
2 to conditions described pursuant to
3 paragraph (3)(B), if applicable, as de-
4 termined by the Administrator, clause
5 (i) shall not apply to the Good Samar-
6 itan or any cooperating persons.

7 (e) INVESTIGATIVE SAMPLING CONVERSION.—

8 (1) IN GENERAL.—A person to which an inves-
9 tigative sampling permit was granted may submit to
10 the Administrator an application in accordance with
11 paragraph (2) to convert the investigative sampling
12 permit into a Good Samaritan permit.

13 (2) APPLICATION.—

14 (A) INVESTIGATIVE SAMPLING.—An appli-
15 cation for the conversion of an investigative
16 sampling permit under paragraph (1) shall in-
17 clude any requirement described in subsection
18 (c) that was not included in full in the applica-
19 tion submitted under subsection (d)(3).

20 (B) PUBLIC NOTICE AND COMMENT.—An
21 application for permit conversion under this
22 paragraph shall be subject to—

23 (i) environmental review and public
24 comment procedures required by sub-
25 section (l); and

1 (ii) a public hearing, if requested.

2 (f) CONTENT OF PERMITS.—

3 (1) IN GENERAL.—A Good Samaritan permit
4 shall contain—

5 (A) the information described in subsection
6 (c), including any modification required by the
7 Administrator;

8 (B)(i) a provision that states that the
9 Good Samaritan is responsible for securing, for
10 all activities authorized under the Good Samari-
11 tan permit, all authorizations, licenses, and per-
12 mits that are required under applicable law ex-
13 cept for—

14 (I) section 301, 302, 306, 307, 402,
15 or 404 of the Federal Water Pollution
16 Control Act (33 U.S.C. 1311, 1312, 1316,
17 1317, 1342, 1344); and

18 (II) authorizations, licenses, and per-
19 mits that would not need to be obtained if
20 the remediation was conducted pursuant to
21 section 121 of the Comprehensive Environ-
22 mental Response, Compensation, and Li-
23 ability Act of 1980 (42 U.S.C. 9621); or

24 (ii) in the case of an abandoned hardrock
25 mine site in a State that is authorized to imple-

1 ment State law pursuant to section 402 or 404
2 of the Federal Water Pollution Control Act (33
3 U.S.C. 1342, 1344) or on land of an Indian
4 tribe that is authorized to implement Tribal law
5 pursuant to that section, a provision that states
6 that the Good Samaritan is responsible for se-
7 curing, for all activities authorized under the
8 Good Samaritan permit, all authorizations, li-
9 censes, and permits that are required under ap-
10 plicable law, except for—

11 (I) the State or Tribal law, as applica-
12 ble; and

13 (II) authorizations, licenses, and per-
14 mits that would not need to be obtained if
15 the remediation was conducted pursuant to
16 section 121 of the Comprehensive Environ-
17 mental Response, Compensation, and Li-
18 ability Act of 1980 (42 U.S.C. 9621);

19 (C) specific public notification require-
20 ments, including the contact information for all
21 appropriate response centers in accordance with
22 subsection (o);

23 (D) in the case of a project on land owned
24 by the United States, a notice that the Good
25 Samaritan permit serves as an agreement for

1 use and occupancy of Federal land that is en-
2 forceable by the applicable Federal land man-
3 agement agency; and

4 (E) any other terms and conditions deter-
5 mined to be appropriate by the Administrator
6 or the Federal land management agency, as ap-
7 plicable.

8 (2) FORCE MAJEURE.—A Good Samaritan per-
9 mit may include, at the request of the Good Samari-
10 tan, a provision that a Good Samaritan may assert
11 a claim of force majeure for any violation of the
12 Good Samaritan permit caused solely by—

13 (A) an act of God;

14 (B) an act of war;

15 (C) negligence on the part of the United
16 States;

17 (D) an act or omission of a third party, if
18 the Good Samaritan—

19 (i) exercises due care with respect to
20 the actions of the Good Samaritan under
21 the Good Samaritan permit, as determined
22 by the Administrator;

23 (ii) took precautions against foresee-
24 able acts or omissions of the third party,
25 as determined by the Administrator; and

1 (iii) uses reasonable efforts—

2 (I) to anticipate any potential
3 force majeure; and

4 (II) to address the effects of any
5 potential force majeure; or

6 (E) a public health emergency declared by
7 the Federal Government or a global govern-
8 ment, such as a pandemic or an epidemic.

9 (3) MONITORING.—

10 (A) IN GENERAL.—The Good Samaritan
11 shall take such actions as the Good Samaritan
12 permit requires to ensure appropriate baseline
13 conditions monitoring, monitoring during the
14 remediation project, and post-remediation moni-
15 toring of the environment under paragraphs (7)
16 and (14) of subsection (c).

17 (B) MULTIPARTY MONITORING.—The Ad-
18 ministrator may approve in a Good Samaritan
19 permit the monitoring by multiple cooperating
20 persons if, as determined by the Adminis-
21 trator—

22 (i) the multiparty monitoring will ef-
23 fectively accomplish the goals of this sec-
24 tion; and

1 (ii) the Good Samaritan remains re-
2 sponsible for compliance with the terms of
3 the Good Samaritan permit.

4 (4) OTHER DEVELOPMENT.—

5 (A) NO AUTHORIZATION OF MINING AC-
6 TIVITIES.—No mineral exploration, processing,
7 beneficiation, or mining shall be—

8 (i) authorized by this Act; or

9 (ii) covered by any waiver of liability
10 provided by this Act from applicable law.

11 (B) REPROCESSING OF MATERIALS.—A
12 Good Samaritan may reprocess materials recov-
13 ered during the implementation of a remedi-
14 ation plan only if—

15 (i) the project under the Good Samar-
16 itan permit is on land owned by the United
17 States;

18 (ii) the applicable Federal land man-
19 agement agency has signed a decision doc-
20 ument under subsection (1)(2)(G) approv-
21 ing reprocessing as part of a remediation
22 plan;

23 (iii) the proceeds from the sale or use
24 of the materials are used—

1 (I) to defray the costs of the re-
2 mediation; and

3 (II) to the extent required by the
4 Good Samaritan permit, to reimburse
5 the Administrator or the head of a
6 Federal land management agency for
7 the purpose of carrying out this Act;

8 (iv) any remaining proceeds are de-
9 posited into the appropriate Good Samari-
10 tan Mine Remediation Fund established by
11 section 5(a); and

12 (v) the materials only include historic
13 mine residue.

14 (C) CONNECTION WITH OTHER ACTIVI-
15 TIES.—The commingling or association of any
16 other discharge of water or historic mine res-
17 idue or any activity, project, or operation con-
18 ducted on or after the date of enactment of this
19 Act with any aspect of a project subject to a
20 Good Samaritan permit shall not limit or re-
21 duce the liability of any person associated with
22 the other discharge of water or historic mine
23 residue or activity, project, or operation.

24 (g) ADDITIONAL WORK.—A Good Samaritan permit
25 may (subject to subsection (r)(5) in the case of a project

1 located on Federal land) allow the Good Samaritan to re-
2 turn to the abandoned hardrock mine site after the com-
3 pletion of the remediation to perform operations and
4 maintenance or other work—

5 (1) to ensure the functionality of completed re-
6 mediation activities at the abandoned hardrock mine
7 site; or

8 (2) to protect public health and the environ-
9 ment.

10 (h) TIMING.—Work authorized under a Good Samar-
11 itan permit—

12 (1) shall commence, as applicable—

13 (A) not later than the date that is 18
14 months after the date on which the Adminis-
15 trator granted the Good Samaritan permit, un-
16 less the Administrator grants an extension
17 under subsection (r)(2)(A); or

18 (B) if the grant of the Good Samaritan
19 permit is the subject of a petition for judicial
20 review, not later than the date that is 18
21 months after the date on which the judicial re-
22 view, including any appeals, has concluded; and

23 (2) shall continue until completed, with tem-
24 porary suspensions permitted during adverse weath-

1 er or other conditions specified in the Good Samari-
2 tan permit.

3 (i) TRANSFER OF PERMITS.—A Good Samaritan per-
4 mit may be transferred to another person only if—

5 (1) the Administrator determines that the
6 transferee qualifies as a Good Samaritan;

7 (2) the transferee signs, and agrees to be bound
8 by the terms of, the permit;

9 (3) the Administrator includes in the trans-
10 ferred permit any additional conditions necessary to
11 meet the goals of this section; and

12 (4) in the case of a project under the Good Sa-
13 maritan permit on land owned by the United States,
14 the head of the applicable Federal land management
15 agency approves the transfer.

16 (j) ROLE OF ADMINISTRATOR AND FEDERAL LAND
17 MANAGEMENT AGENCIES.—In carrying out this section—

18 (1) the Administrator shall—

19 (A) consult with prospective applicants;

20 (B) convene, coordinate, and lead the ap-
21 plication review process;

22 (C) maintain all records relating to the
23 Good Samaritan permit and the permit process;

24 (D) in the case of a proposed project on
25 State, Tribal, or private land, provide an oppor-

1 tunity for cooperating persons and the public to
2 participate in the Good Samaritan permit proc-
3 ess, including—

4 (i) carrying out environmental review
5 and public comment procedures pursuant
6 to subsection (l); and

7 (ii) a public hearing, if requested; and
8 (E) enforce and otherwise carry out this
9 section; and

10 (2) the head of an applicable Federal land man-
11 agement agency shall—

12 (A) in the case of a proposed project on
13 land owned by the United States, provide an
14 opportunity for cooperating persons and the
15 public to participate in the Good Samaritan
16 permit process, including—

17 (i) carrying out environmental review
18 and public comment procedures pursuant
19 to subsection (l); and

20 (ii) a public hearing, if requested; and

21 (B) in coordination with the Adminis-
22 trator, enforce Good Samaritan permits issued
23 under this section for projects on land owned by
24 the United States.

1 (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—
2 As soon as practicable, but not later than 14 days after
3 the date on which the Administrator receives an applica-
4 tion for the remediation of an abandoned hardrock mine
5 site under this section that, as determined by the Adminis-
6 trator, is complete and meets all applicable requirements
7 of subsection (c), the Administrator shall provide notice
8 and a copy of the application to—

9 (1) each local government with jurisdiction over
10 a drinking water utility, and each Indian tribe with
11 reservation or off-reservation treaty rights to land or
12 water, located downstream from or otherwise near a
13 proposed remediation project that is reasonably an-
14 ticipated to be impacted by the remediation project
15 or a potential release of contaminants from the
16 abandoned hardrock mine site, as determined by the
17 Administrator;

18 (2) each Federal, State, and Tribal agency that
19 may have an interest in the application; and

20 (3) in the case of an abandoned hardrock mine
21 site that is located partially or entirely on land
22 owned by the United States, the Federal land man-
23 agement agency with jurisdiction over that land.

24 (l) ENVIRONMENTAL REVIEW AND PUBLIC COM-
25 MENT.—

1 (1) IN GENERAL.—Before the issuance of a
2 Good Samaritan permit to carry out a project for
3 the remediation of an abandoned hardrock mine site,
4 the Administrator shall ensure that environmental
5 review and public comment procedures are carried
6 out with respect to the proposed project.

7 (2) RELATION TO NEPA.—

8 (A) MAJOR FEDERAL ACTION.—Subject to
9 subparagraph (F), the issuance or modification
10 of a Good Samaritan permit by the Adminis-
11 trator shall be considered a major Federal ac-
12 tion for purposes of section 102 of the National
13 Environmental Policy Act of 1969 (42 U.S.C.
14 4332).

15 (B) LEAD AGENCY.—The lead agency for
16 purposes of an environmental assessment and
17 public comment under this subsection shall
18 be—

19 (i) in the case of a proposed project
20 on land owned by the United States that
21 is managed by only 1 Federal land man-
22 agement agency, the applicable Federal
23 land management agency;

1 (ii) in the case of a proposed project
2 entirely on State, Tribal, or private land,
3 the Administrator;

4 (iii) in the case of a proposed project
5 partially on land owned by the United
6 States and partially on State, Tribal, or
7 private land, the applicable Federal land
8 management agency; and

9 (iv) in the case of a proposed project
10 on land owned by the United States that
11 is managed by more than 1 Federal land
12 management agency, the Federal land
13 management agency selected by the Ad-
14 ministrator to be the lead agency, after
15 consultation with the applicable Federal
16 land management agencies.

17 (C) COORDINATION.—To the maximum ex-
18 tent practicable, the lead agency described in
19 subparagraph (B) shall coordinate procedures
20 under the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.) with State, Trib-
22 al, and Federal cooperating agencies, as appli-
23 cable.

24 (D) COOPERATING AGENCY.—In the case
25 of a proposed project on land owned by the

1 United States, the Administrator shall be a co-
2 operating agency for purposes of an environ-
3 mental assessment and public comment under
4 this subsection.

5 (E) SINGLE NEPA DOCUMENT.—The lead
6 agency described in subparagraph (B) may con-
7 duct a single environmental assessment for—

8 (i) the issuance of a Good Samaritan
9 permit;

10 (ii) any activities authorized by a
11 Good Samaritan permit; and

12 (iii) any applicable permits required
13 by the Secretary of the Interior or the Sec-
14 retary of Agriculture.

15 (F) NO SIGNIFICANT IMPACT.—

16 (i) IN GENERAL.—A Good Samaritan
17 permit may only be issued if, after an envi-
18 ronmental assessment, the head of the lead
19 agency issues a finding of no significant
20 impact (as defined in section 111 of the
21 National Environmental Policy Act of
22 1969 (42 U.S.C. 4336e)).

23 (ii) SIGNIFICANT IMPACT.—If the
24 head of the lead agency is unable to issue
25 a finding of no significant impact (as so

1 defined), the head of the lead agency shall
2 not issue a Good Samaritan permit for the
3 proposed project.

4 (G) DECISION DOCUMENT.—An approval
5 or denial of a Good Samaritan permit may be
6 issued as a single decision document that is
7 signed by—

8 (i) the Administrator; and

9 (ii) in the case of a project on land
10 owned by the United States, the head of
11 the applicable Federal land management
12 agency.

13 (H) LIMITATION.—Nothing in this para-
14 graph exempts the Secretary of Agriculture or
15 the Secretary of the Interior, as applicable,
16 from any other requirements of section 102 of
17 the National Environmental Policy Act of 1969
18 (42 U.S.C. 4332).

19 (m) PERMIT GRANT.—

20 (1) IN GENERAL.—The Administrator may
21 grant a Good Samaritan permit to carry out a
22 project for the remediation of an abandoned
23 hardrock mine site only if—

24 (A) the Administrator determines that—

1 (i) the person seeking the permit is a
2 Good Samaritan;

3 (ii) the application described in sub-
4 section (c) is complete;

5 (iii) the project is designed to reme-
6 diate historic mine residue at the aban-
7 doned hardrock mine site to protect human
8 health and the environment;

9 (iv) the proposed project is designed
10 to meet all other goals, as determined by
11 the Administrator, including any goals set
12 forth in the application for the Good Sa-
13 maritan permit that are accepted by the
14 Administrator;

15 (v) the proposed activities, as com-
16 pared to the baseline conditions described
17 in the permit, will make measurable
18 progress toward achieving—

19 (I) applicable water quality
20 standards;

21 (II) improved soil quality;

22 (III) improved sediment quality;

23 (IV) other improved environ-
24 mental or safety conditions; or

1 (V) reductions in threats to soil,
2 sediment, or water quality or other
3 environmental or safety conditions;

4 (vi) the applicant has—

5 (I) demonstrated that the appli-
6 cant has the proper and appropriate
7 experience and capacity to complete
8 the permitted work;

9 (II) demonstrated that the appli-
10 cant will complete the permitted work;

11 (III) the financial and other re-
12 sources to address any contingencies
13 identified in the Good Samaritan per-
14 mit application described in sub-
15 sections (b) and (c);

16 (IV) granted access and provided
17 the authority to review the records of
18 the applicant relevant to compliance
19 with the requirements of the Good Sa-
20 maritan permit; and

21 (V) demonstrated, to the satisfac-
22 tion of the Administrator, that—

23 (aa) the applicant has, or
24 has access to, the financial re-
25 sources to complete the project

1 described in the Good Samaritan
2 permit application, including any
3 long-term monitoring and oper-
4 ations and maintenance that the
5 Administrator may require the
6 applicant to perform in the Good
7 Samaritan permit; or

8 (bb) the applicant has estab-
9 lished a third-party financial as-
10 surance mechanism, such as a
11 corporate guarantee from a par-
12 ent or other corporate affiliate,
13 letter of credit, trust, surety
14 bond, or insurance to assure that
15 funds are available to complete
16 the permitted work, including for
17 operations and maintenance and
18 to address potential contin-
19 gencies, that—

20 (AA) establishes the
21 Administrator or the head of
22 the Federal land manage-
23 ment agency as the bene-
24 ficiary of the third-party fi-

1 nancial assurance mecha-
2 nism; and

3 (BB) allows the Admin-
4 istrator to retain and use
5 the funds from the financial
6 assurance mechanism in the
7 event the Good Samaritan
8 does not complete the reme-
9 diation under the Good Sa-
10 maritan permit; and

11 (vii) the project meets the require-
12 ments of this Act;

13 (B) the State or Indian tribe with jurisdic-
14 tion over land on which the abandoned
15 hardrock mine site is located has been given an
16 opportunity to review and, if necessary, com-
17 ment on the grant of the Good Samaritan per-
18 mit;

19 (C) in the case of a project proposed to be
20 carried out under the Good Samaritan permit
21 partially or entirely on land owned by the
22 United States, pursuant to subsection (l), the
23 head of the applicable Federal land manage-
24 ment agency has signed a decision document
25 approving the proposed project; and

1 (D) the Administrator or head of the Fed-
2 eral land management agency, as applicable,
3 has provided—

4 (i) environmental review and public
5 comment procedures required by sub-
6 section (l); and

7 (ii) a public hearing under that sub-
8 section, if requested.

9 (2) DEADLINE.—

10 (A) IN GENERAL.—The Administrator
11 shall grant or deny a Good Samaritan permit
12 by not later than—

13 (i) the date that is 180 days after the
14 date of receipt by the Administrator of an
15 application for the Good Samaritan permit
16 that, as determined by the Administrator,
17 is complete and meets all applicable re-
18 quirements of subsection (c); or

19 (ii) such later date as may be deter-
20 mined by the Administrator with notifica-
21 tion provided to the applicant.

22 (B) CONSTRUCTIVE DENIAL.—If the Ad-
23 ministrator fails to grant or deny a Good Sa-
24 maritan permit by the applicable deadline de-

1 scribed in subparagraph (A), the application
2 shall be considered to be denied.

3 (3) DISCRETIONARY ACTION.—The issuance of
4 a permit by the Administrator and the approval of
5 a project by the head of an applicable Federal land
6 management agency shall be considered to be discre-
7 tionary actions taken in the public interest.

8 (n) EFFECT OF PERMITS.—

9 (1) IN GENERAL.—A Good Samaritan and any
10 cooperating person undertaking remediation activi-
11 ties identified in, carried out pursuant to, and in
12 compliance with, a covered permit—

13 (A) shall be considered to be in compliance
14 with all requirements (including permitting re-
15 quirements) under the Federal Water Pollution
16 Control Act (33 U.S.C. 1251 et seq.) (including
17 any law or regulation implemented by a State
18 or Indian tribe under section 402 or 404 of
19 that Act (33 U.S.C. 1342, 1344)) and the Com-
20 prehensive Environmental Response, Compensa-
21 tion, and Liability Act of 1980 (42 U.S.C. 9601
22 et seq.) during the term of the covered permit,
23 after the termination of the Good Samaritan
24 permit, and after declining to convert an inves-

1 tigmative sampling permit into a Good Samaritan
2 permit, as applicable;

3 (B) shall not be required to obtain a per-
4 mit under, or to comply with, section 301, 302,
5 306, 307, 402, or 404 of the Federal Water
6 Pollution Control Act (33 U.S.C. 1311, 1312,
7 1316, 1317, 1342, 1344), or any State or Trib-
8 al standards or regulations approved by the Ad-
9 ministratoꝛ under those sections of that Act,
10 during the term of the covered permit, after the
11 termination of the Good Samaritan permit, and
12 after declining to convert an investigatoꝛive sam-
13 pling permit into a Good Samaritan permit, as
14 applicable; and

15 (C) shall not be required to obtain any au-
16 thorizations, licenses, or permits that would
17 otherwise not need to be obtained if the remedi-
18 ation was conducted pursuant to section 121 of
19 the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (42
21 U.S.C. 9621).

22 (2) UNAUTHORIZED ACTIVITIES.—

23 (A) IN GENERAL.—Any person (including
24 a Good Samaritan or any cooperating person)
25 that carries out any activity, including activities

1 relating to mineral exploration, processing,
2 beneficiation, or mining, including development,
3 that is not authorized by the applicable covered
4 permit shall be subject to all applicable law.

5 (B) LIABILITY.—Any activity not author-
6 ized by a covered permit, as determined by the
7 Administrator, may be subject to liability and
8 enforcement under all applicable law, includ-
9 ing—

10 (i) the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.); and

12 (ii) the Comprehensive Environmental
13 Response, Compensation, and Liability Act
14 of 1980 (42 U.S.C. 9601 et seq.).

15 (3) NO ENFORCEMENT OR LIABILITY FOR GOOD
16 SAMARITANS.—

17 (A) IN GENERAL.—Subject to subpara-
18 graphs (D) and (E), a Good Samaritan or co-
19 operating person that is conducting a remedi-
20 ation activity identified in, pursuant to, and in
21 compliance with a covered permit shall not be
22 subject to enforcement or liability described in
23 subparagraph (B) for—

24 (i) any actions undertaken that are
25 authorized by the covered permit; or

1 (ii) any past, present, or future re-
2 leases, threats of releases, or discharges of
3 hazardous substances, pollutants, or con-
4 taminants at or from the abandoned
5 hardrock mine site that is the subject of
6 the covered permit (including any releases,
7 threats of releases, or discharges that oc-
8 curred prior to the grant of the covered
9 permit).

10 (B) ENFORCEMENT OR LIABILITY DE-
11 SCRIBED.—Enforcement or liability referred to
12 in subparagraph (A) is enforcement, civil or
13 criminal penalties, citizen suits and any liabil-
14 ities for response costs, natural resource dam-
15 age, or contribution under—

16 (i) the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1251 et seq.) (includ-
18 ing under any law or regulation adminis-
19 tered by a State or Indian tribe under that
20 Act); or

21 (ii) the Comprehensive Environmental
22 Response, Compensation, and Liability Act
23 of 1980 (42 U.S.C. 9601 et seq.).

24 (C) DURATION OF APPLICABILITY.—Sub-
25 paragraph (A) shall apply during the term of

1 the covered permit, after the termination of the
2 Good Samaritan permit, and after declining to
3 convert an investigative sampling permit into a
4 Good Samaritan permit, as applicable.

5 (D) OTHER PARTIES.—Nothing in sub-
6 paragraph (A) limits the liability of any person
7 that is not described in that subparagraph.

8 (E) DECLINE IN ENVIRONMENTAL CONDI-
9 TIONS.—Notwithstanding subparagraph (A), if
10 a Good Samaritan or cooperating person fails
11 to comply with any term, condition, or limita-
12 tion of a covered permit and that failure results
13 in surface water quality or other environmental
14 conditions that the Administrator determines
15 are measurably worse than the baseline condi-
16 tions as described in the permit (in the case of
17 a Good Samaritan permit) or the conditions as
18 described pursuant to subsection (d)(3)(B), if
19 applicable (in the case of an investigative sam-
20 pling permit), at the abandoned hardrock mine
21 site, the Administrator shall—

22 (i) notify the Good Samaritan or co-
23 operating person, as applicable, of the fail-
24 ure to comply; and

1 (ii) require the Good Samaritan or the
2 cooperating person, as applicable, to un-
3 dertake reasonable measures, as deter-
4 mined by the Administrator, to return sur-
5 face water quality or other environmental
6 conditions to those conditions.

7 (F) FAILURE TO CORRECT.—Subpara-
8 graph (A) shall not apply to a Good Samaritan
9 or cooperating person that fails to take any ac-
10 tions required under subparagraph (E)(ii) with-
11 in a reasonable period of time, as established by
12 the Administrator.

13 (G) MINOR OR CORRECTED PERMIT VIOLA-
14 TIONS.—For purposes of this paragraph, the
15 failure to comply with a term, condition, or lim-
16 itation of a Good Samaritan permit or inves-
17 tigative sampling permit shall not be considered
18 a permit violation or noncompliance with that
19 permit if—

20 (i) that failure or noncompliance does
21 not result in a measurable adverse impact,
22 as determined by the Administrator, on
23 water quality or other environmental condi-
24 tions; or

1 (ii) the Good Samaritan or cooper-
2 ating person complies with subparagraph
3 (E)(ii).

4 (o) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A
5 Good Samaritan shall notify all appropriate Federal,
6 State, Tribal, and local entities of any unplanned or pre-
7 viously unknown release of historic mine residue caused
8 by the actions of the Good Samaritan or any cooperating
9 person in accordance with—

10 (1) section 103 of the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act
12 of 1980 (42 U.S.C. 9603);

13 (2) section 304 of the Emergency Planning and
14 Community Right-To-Know Act of 1986 (42 U.S.C.
15 11004);

16 (3) the Federal Water Pollution Control Act
17 (33 U.S.C. 1251 et seq.);

18 (4) any other applicable provision of Federal
19 law; and

20 (5) any other applicable provision of State,
21 Tribal, or local law.

22 (p) GRANT ELIGIBILITY.—A remediation project con-
23 ducted under a Good Samaritan permit shall be eligible
24 for funding pursuant to—

1 (1) section 319 of the Federal Water Pollution
2 Control Act (33 U.S.C. 1329), for activities that are
3 eligible for funding under that section; and

4 (2) section 104(k) of the Comprehensive Envi-
5 ronmental Response, Compensation, and Liability
6 Act of 1980 (42 U.S.C. 9604(k)), subject to the con-
7 dition that the recipient of the funding is otherwise
8 eligible under that section to receive a grant to as-
9 sess or remediate contamination at the site covered
10 by the Good Samaritan permit.

11 (q) EMERGENCY AUTHORITY AND LIABILITY.—

12 (1) EMERGENCY AUTHORITY.—Nothing in this
13 section affects the authority of—

14 (A) the Administrator to take any respon-
15 sive action authorized by law; or

16 (B) a Federal, State, Tribal, or local agen-
17 cy to carry out any emergency authority, in-
18 cluding an emergency authority provided under
19 Federal, State, Tribal, or local law.

20 (2) LIABILITY.—Except as specifically provided
21 in this Act, nothing in this Act, a Good Samaritan
22 permit, or an investigative sampling permit limits
23 the liability of any person (including a Good Samari-
24 tan or any cooperating person) under any provision
25 of law.

1 (r) TERMINATION OF GOOD SAMARITAN PERMIT.—

2 (1) IN GENERAL.—A Good Samaritan permit
3 shall terminate, as applicable—

4 (A) on inspection and notice from the Ad-
5 ministrator to the recipient of the Good Samar-
6 itan permit that the permitted work has been
7 completed in accordance with the terms of the
8 Good Samaritan permit, as determined by the
9 Administrator;

10 (B) if the Administrator terminates a per-
11 mit under paragraph (4)(B); or

12 (C) except as provided in paragraph (2)—

13 (i) on the date that is 18 months after
14 the date on which the Administrator grant-
15 ed the Good Samaritan permit, if the per-
16 mitted work has not commenced by that
17 date; or

18 (ii) if the grant of the Good Samari-
19 tan permit was the subject of a petition for
20 judicial review, on the date that is 18
21 months after the date on which the judicial
22 review, including any appeals, has con-
23 cluded, if the permitted work has not com-
24 menced by that date.

25 (2) EXTENSION.—

1 (A) IN GENERAL.—If the Administrator is
2 otherwise required to terminate a Good Samari-
3 tan permit under paragraph (1)(C), the Admin-
4 istrator may grant an extension of the Good Sa-
5 maritan permit.

6 (B) LIMITATION.—Any extension granted
7 under subparagraph (A) shall be not more than
8 180 days for each extension.

9 (3) EFFECT OF TERMINATION.—

10 (A) IN GENERAL.—Notwithstanding the
11 termination of a Good Samaritan permit under
12 paragraph (1), but subject to subparagraph
13 (B), the provisions of paragraphs (1) through
14 (4) of subsection (n) shall continue to apply to
15 the Good Samaritan and any cooperating per-
16 sons after the termination, including to any
17 long-term operations and maintenance pursuant
18 to the agreement under paragraph (5).

19 (B) DEGRADATION OF SURFACE WATER
20 QUALITY.—

21 (i) OPPORTUNITY TO RETURN TO
22 BASELINE CONDITIONS.—If, at the time
23 that 1 or more of the conditions described
24 in paragraph (1) are met but before the
25 Good Samaritan permit is terminated, ac-

1 tions by the Good Samaritan or cooper-
2 ating person have caused surface water
3 quality at the abandoned hardrock mine
4 site to be measurably worse, as determined
5 by the Administrator, when compared to
6 baseline conditions described in the permit,
7 the Administrator shall, before terminating
8 the Good Samaritan permit, provide the
9 Good Samaritan or cooperating person, as
10 applicable, the opportunity to return sur-
11 face water quality to those baseline condi-
12 tions.

13 (ii) EFFECT.—If, pursuant to clause
14 (i), the applicable Good Samaritan or co-
15 operating person does not return the sur-
16 face water quality at the abandoned
17 hardrock mine site to the baseline condi-
18 tions described in the permit, as deter-
19 mined by the Administrator, subparagraph
20 (A) shall not apply to the Good Samaritan
21 or any cooperating persons.

22 (4) UNFORESEEN CIRCUMSTANCES.—

23 (A) IN GENERAL.—The recipient of a Good
24 Samaritan permit may seek to modify or termi-

1 the Good Samaritan or cooperating person
2 pursuant to the Good Samaritan permit
3 may result in surface water quality condi-
4 tions, or any other environmental condi-
5 tions, that will be worse than the baseline
6 conditions, as described in the Good Sa-
7 maritan permit, as applicable.

8 (5) LONG-TERM OPERATIONS AND MAINTENANCE.—
9 In the case of a project that involves long-
10 term operations and maintenance at an abandoned
11 hardrock mine site located on land owned by the
12 United States, the project may be considered com-
13 plete and the Administrator, in coordination with the
14 applicable Federal land management agency, may
15 terminate the Good Samaritan permit under this
16 subsection if the applicable Good Samaritan has en-
17 tered into an agreement with the applicable Federal
18 land management agency or a cooperating person
19 for the long-term operations and maintenance that
20 includes sufficient funding for the long-term oper-
21 ations and maintenance.

22 (s) REGULATIONS.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the Administrator, in consultation with the Sec-
25 retary of the Interior and the Secretary of Agri-

1 culture, and appropriate State, Tribal, and local offi-
2 cials, may promulgate any regulations that the Ad-
3 ministrator determines to be necessary to carry out
4 this Act.

5 (2) GUIDANCE IF NO REGULATIONS PROMUL-
6 GATED.—

7 (A) IN GENERAL.—If the Administrator
8 does not initiate a regulatory process to promul-
9 gate regulations under paragraph (1) within
10 180 days after the date of enactment of this
11 Act, the Administrator, in consultation with the
12 Secretary of the Interior, the Secretary of En-
13 ergy, and appropriate State, Tribal, and local
14 officials, shall issue guidance establishing spe-
15 cific requirements that the Administrator deter-
16 mines would facilitate the implementation of
17 this section.

18 (B) PUBLIC COMMENTS.—Before finalizing
19 any guidance issued under subparagraph (A),
20 the Administrator shall hold a 30-day public
21 comment period.

22 **SEC. 5. SPECIAL ACCOUNTS.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury of the United States a Good Samaritan Mine

1 Remediation Fund (referred to in this section as a
2 “Fund”) for—

3 (1) each Federal land management agency that
4 authorizes a Good Samaritan to conduct a project
5 on Federal land under the jurisdiction of that Fed-
6 eral land management agency under a Good Samari-
7 tan permit; and

8 (2) the Environmental Protection Agency.

9 (b) DEPOSITS.—Each Fund shall consist of—

10 (1) amounts provided in appropriation Acts;

11 (2) any proceeds from reprocessing deposited
12 under section 4(f)(4)(B)(iv);

13 (3) any financial assurance funds collected from
14 an agreement described in section
15 4(m)(1)(A)(vi)(V)(bb);

16 (4) any funds collected for long-term operations
17 and maintenance under an agreement under section
18 4(r)(5);

19 (5) any interest earned under an investment
20 under subsection (c);

21 (6) any proceeds from the sale or redemption of
22 investments held in the Fund; and

23 (7) any amounts donated to the Fund by any
24 person.

1 (c) UNUSED FUNDS.—Amounts in each Fund not
2 currently needed to carry out this Act shall be—

3 (1) maintained as readily available or on de-
4 posit;

5 (2) invested in obligations of the United States
6 or guaranteed by the United States; or

7 (3) invested in obligations, participations, or
8 other instruments that are lawful investments for a
9 fiduciary, a trust, or public funds.

10 (d) RETAIN AND USE AUTHORITY.—The Adminis-
11 trator and each head of a Federal land management agen-
12 cy, as appropriate, may, notwithstanding any other provi-
13 sion of law, retain and use money deposited in the applica-
14 ble Fund without fiscal year limitation for the purpose of
15 carrying out this Act.

16 **SEC. 6. REPORT TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 8 years after the
18 date of enactment of this Act, the Administrator, in con-
19 sultation with the heads of Federal land management
20 agencies, shall submit to the Committee on Environment
21 and Public Works of the Senate and the Committees on
22 Transportation and Infrastructure, Energy and Com-
23 merce, and Natural Resources of the House of Represent-
24 atives a report evaluating the Good Samaritan pilot pro-
25 gram under this Act.

1 (b) INCLUSIONS.—The report under subsection (a)
2 shall include—

3 (1) a description of—

4 (A) the number, types, and objectives of
5 Good Samaritan permits granted pursuant to
6 this Act; and

7 (B) each remediation project authorized by
8 those Good Samaritan permits;

9 (2) interim or final qualitative and quantitative
10 data on the results achieved under the Good Samari-
11 tan permits before the date of issuance of the report;

12 (3) a description of—

13 (A) any problems encountered in admin-
14 istering this Act; and

15 (B) whether the problems have been or can
16 be remedied by administrative action (including
17 amendments to existing law);

18 (4) a description of progress made in achieving
19 the purposes of this Act; and

20 (5) recommendations on whether the Good Sa-
21 maritan pilot program under this Act should be con-
22 tinued, including a description of any modifications
23 (including amendments to existing law) required to
24 continue administering this Act.