

117TH CONGRESS
2D SESSION

S. 3571

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2022

Mr. HEINRICH (for himself, Mr. RISCH, Mr. LUJÁN, Mr. DAINES, Mr. TESTER, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan Reme-
5 diation of Abandoned Hardrock Mines Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ABANDONED MINE SITE.—

9 (A) IN GENERAL.—The term “abandoned
10 mine site” means an abandoned or inactive

1 hardrock mine site and any facility associated
2 with an abandoned or inactive hardrock mine
3 site—

4 (i) that was used for the production of
5 a mineral other than coal conducted on
6 Federal land under sections 2319 through
7 2352 of the Revised Statutes (commonly
8 known as the “Mining Law of 1872”; 30
9 U.S.C. 22 et seq.) or on non-Federal land;
10 and

11 (ii) for which, based on information
12 supplied by the Good Samaritan after re-
13 view of publicly available data and after re-
14 view of other information in the possession
15 of the Administrator, the Administrator or,
16 in the case of a site on land owned by the
17 United States, the Federal land manage-
18 ment agency, determines that no respon-
19 sible owner or operator has been identi-
20 fied—

21 (I) who is potentially liable for,
22 or has been required to perform or
23 pay for, environmental remediation
24 activities under applicable law; and

1 (II) other than, in the case of a
2 mine site located on land owned by
3 the United States, a Federal land
4 management agency that has not been
5 involved in mining activity on that
6 land, except that the approval of a
7 plan of operations under the hardrock
8 mining regulations of the applicable
9 Federal land management agency
10 shall not be considered involvement in
11 the mining activity.

12 (B) INCLUSION.—The term “abandoned
13 mine site” includes a hardrock mine site (in-
14 cluding associated facilities) that was previously
15 the subject of a completed response action
16 under the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of
18 1980 (42 U.S.C. 9601 et seq.) or a similar
19 Federal and State reclamation or cleanup pro-
20 gram, including the remediation of mine-scarred
21 land under the brownfields revitalization pro-
22 gram under section 104(k) of the Comprehen-
23 sive Environmental Response, Compensation,
24 and Liability Act of 1980 (42 U.S.C. 9604(k)).

1 (C) EXCLUSIONS.—The term “abandoned
2 mine site” does not include a mine site (includ-
3 ing associated facilities)—

4 (i) in a temporary shutdown or ces-
5 sation;

6 (ii) included on the National Priorities
7 List developed by the President in accord-
8 ance with section 105(a)(8)(B) of the
9 Comprehensive Environmental Response,
10 Compensation, and Liability Act of 1980
11 (42 U.S.C. 9605(a)(8)(B)) or proposed for
12 inclusion on that list;

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

19 (iv) that has a responsible owner or
20 operator; or

21 (v) that actively mined or processed
22 minerals after December 11, 1980.

23 (2) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (3) APPLICABLE WATER QUALITY STAND-
2 ARDS.—The term “applicable water quality stand-
3 ards” means the water quality standards promul-
4 gated by the Administrator or adopted by a State or
5 Indian tribe and approved by the Administrator pur-
6 suant to the Federal Water Pollution Control Act
7 (33 U.S.C. 1251 et seq.).

8 (4) COOPERATING PERSON.—

9 (A) IN GENERAL.—The term “cooperating
10 person” means any person that is named by the
11 Good Samaritan in the permit application as a
12 cooperating entity.

13 (B) EXCLUSION.—The term “cooperating
14 person” does not include a responsible owner or
15 operator.

16 (5) FEDERAL LAND MANAGEMENT AGENCY.—
17 The term “Federal land management agency”
18 means any Federal agency authorized by law or Ex-
19 ecutive order to exercise jurisdiction, custody, or
20 control over land owned by the United States.

21 (6) GOOD SAMARITAN.—The term “Good Sa-
22 maritan” means a person that, with respect to his-
23 toric mine residue, as determined by the Adminis-
24 trator—

1 (A) is not a past or current owner or oper-
2 ator of—

3 (i) the abandoned mine site at which
4 the historic mine residue is located; or

5 (ii) a portion of that abandoned mine
6 site;

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

9 (C) is not potentially liable under any Fed-
10 eral, State, Tribal, or local law for the remedi-
11 ation, treatment, or control of the historic mine
12 residue.

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

16 (8) HISTORIC MINE RESIDUE.—

17 (A) IN GENERAL.—The term “historic
18 mine residue” means mine residue or any con-
19 dition at an abandoned mine site resulting from
20 hardrock mining activities conducted on—

21 (i) Federal land under sections 2319
22 through 2352 of the Revised Statutes
23 (commonly known as the “Mining Law of
24 1872”; 30 U.S.C. 22 et seq.); or

25 (ii) State, Tribal, or private land.

1 (B) INCLUSIONS.—The term “historic
2 mine residue” includes—

3 (i) previously mined ores and minerals
4 other than coal that contribute to acid
5 mine drainage or other pollution;

6 (ii) equipment (including materials in
7 equipment);

8 (iii) any tailings, heap leach piles,
9 dump leach piles, waste rock, overburden,
10 slag piles, or other waste or material re-
11 sulting from any extraction, beneficiation,
12 or other processing activity that occurred
13 during the active operation of an aban-
14 doned mine site;

15 (iv) any acidic or otherwise polluted
16 flow in surface water or groundwater that
17 originates from, or is pooled and contained
18 in, an inactive or abandoned mine site,
19 such as underground workings, open pits,
20 in-situ leaching operations, ponds, or im-
21 poundments;

22 (v) any hazardous substance (as de-
23 fined in section 101 of the Comprehensive
24 Environmental Response, Compensation,

1 and Liability Act of 1980 (42 U.S.C.
2 9601));

3 (vi) any pollutant or contaminant (as
4 defined in section 101 of the Comprehen-
5 sive Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42 U.S.C.
7 9601)); and

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

11 (9) INDIAN TRIBE.—The term “Indian tribe”
12 has the meaning given the term in section 518(h) of
13 the Federal Water Pollution Control Act (33 U.S.C.
14 1377(h)).

15 (10) INVESTIGATIVE SAMPLING PERMIT.—The
16 term “investigative sampling permit” means a per-
17 mit granted by the Administrator under section
18 4(d)(1).

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

21 (A) section 502(5) of the Federal Water
22 Pollution Control Act (33 U.S.C. 1362(5)); and

23 (B) section 101(21) of the Comprehensive
24 Environmental Response, Compensation, and
25 Liability Act of 1980 (42 U.S.C. 9601(21)).

1 (12) REMEDIATION.—

2 (A) IN GENERAL.—The term “remedi-
3 ation” means any action taken to investigate,
4 characterize, or cleanup, in whole or in part, a
5 discharge, release, or threat of release of a haz-
6 ardous substance, pollutant, or contaminant
7 into the environment at or from an abandoned
8 mine site, or to otherwise protect and improve
9 human health and the environment.

10 (B) INCLUSION.—The term “remediation”
11 includes any action to remove, treat, or contain
12 historic mine residue to prevent, minimize, or
13 reduce—

14 (i) the release or threat of release of
15 a hazardous substance, pollutant, or con-
16 taminant that would harm human health
17 or the environment; or

18 (ii) a migration or discharge of a haz-
19 ardous substance, pollutant, or contami-
20 nant that would harm human health or the
21 environment.

22 (C) EXCLUSION FOR STATE, TRIBAL, OR
23 PRIVATE LAND.—In the case of a project to re-
24 mediate historic mine residue at any portion of
25 an abandoned mine site on State, Tribal, or pri-

1 vate land, the term “remediation” does not in-
2 clude any action that requires plugging, open-
3 ing, or otherwise altering the portal or adit of
4 the abandoned mine site.

5 (13) RESERVATION.—The term “reservation”
6 has the meaning given the term “Indian country” in
7 section 1151 of title 18, United States Code.

8 (14) RESPONSIBLE OWNER OR OPERATOR.—
9 The term “responsible owner or operator” means a
10 person that is—

11 (A)(i) legally responsible under section 301
12 of the Federal Water Pollution Control Act (33
13 U.S.C. 1311) for a discharge that originates
14 from an abandoned mine site; and

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

17 (B)(i) a present or past owner or operator
18 or other person that is liable with respect to a
19 release or threat of release of a hazardous sub-
20 stance, pollutant, or contaminant associated
21 with the historic mine residue at or from an
22 abandoned mine site under section 104, 106,
23 107, or 113 of the Comprehensive Environ-
24 mental Response, Compensation, and Liability

1 Act of 1980 (42 U.S.C. 9604, 9606, 9607,
2 9613); and

3 (ii) financially able to comply with each re-
4 quirement described in those sections, as appli-
5 cable.

6 **SEC. 3. SCOPE.**

7 Nothing in this Act—

8 (1) reduces any existing liability;

9 (2) releases any person from liability, except in
10 compliance with this Act;

11 (3) authorizes the conduct of any mining or
12 processing other than the conduct of any processing
13 of previously mined ores, minerals, wastes, or other
14 materials that is authorized by a Good Samaritan
15 permit;

16 (4) imposes liability on the United States or a
17 Federal land management agency pursuant to sec-
18 tion 107 of the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of 1980 (42
20 U.S.C. 9607) or section 301 of the Federal Water
21 Pollution Control Act (33 U.S.C. 1311); or

22 (5) relieves the United States or any Federal
23 land management agency from any liability under
24 section 107 of the Comprehensive Environmental
25 Response, Compensation, and Liability Act of 1980

1 (42 U.S.C. 9607) or section 301 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1311) that
3 exists apart from any action undertaken pursuant to
4 this Act.

5 **SEC. 4. ABANDONED MINE SITE GOOD SAMARITAN PILOT**
6 **PROJECT AUTHORIZATION.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Administrator shall es-
9 tablish a pilot program under which the Adminis-
10 trator shall grant not more than 15 Good Samaritan
11 permits to carry out projects to remediate historic
12 mine residue at any portions of abandoned mine
13 sites in accordance with this Act.

14 (2) OVERSIGHT OF PERMITS.—The Adminis-
15 trator may oversee the remediation project under
16 paragraph (1), and any action taken by the applica-
17 ble Good Samaritan or any cooperating person
18 under the applicable Good Samaritan permit, for the
19 duration of the Good Samaritan permit, as the Ad-
20 ministrator determines to be necessary to review the
21 status of the project.

22 (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

23 (1) IN GENERAL.—To be eligible to receive a
24 Good Samaritan permit to carry out a project to re-

1 mediate an abandoned mine site, a person shall dem-
2 onstrate that—

3 (A) the abandoned mine site that is the
4 subject of the application for a Good Samaritan
5 permit is located in the United States;

6 (B) the purpose of the proposed project is
7 the remediation at that abandoned mine site of
8 historic mine residue;

9 (C) the proposed activities are designed to
10 result in the partial or complete remediation of
11 historic mine residue at the abandoned mine
12 site;

13 (D) the proposed project poses a low risk
14 to the environment;

15 (E) to the satisfaction of the Adminis-
16 trator, the person—

17 (i) possesses, or has the ability to se-
18 cure, the financial and other resources nec-
19 essary—

20 (I) to complete the permitted
21 work, as determined by the Adminis-
22 trator; and

23 (II) to address any contingencies
24 identified in the Good Samaritan per-

1 mit application described in subsection

2 (e);

3 (ii) possesses the proper and appro-

4 priate experience and capacity to complete

5 the permitted work; and

6 (iii) will complete the permitted work;

7 and

8 (F) the person is a Good Samaritan with

9 respect to the historic mine residue proposed to

10 be covered by the Good Samaritan permit.

11 (2) IDENTIFICATION OF ALL RESPONSIBLE

12 OWNERS OR OPERATORS.—

13 (A) IN GENERAL.—A Good Samaritan

14 shall make reasonable and diligent efforts to

15 identify, from a review of publicly available in-

16 formation in land records or on internet

17 websites of Federal, State, and local regulatory

18 authorities, all responsible owners or operators

19 of an abandoned mine site proposed to be reme-

20 diated by the Good Samaritan under this sec-

21 tion.

22 (B) EXISTING RESPONSIBLE OWNER OR

23 OPERATOR.—If the Administrator determines,

24 based on information provided by a Good Sa-

25 maritan or otherwise, that a responsible owner

1 or operator exists for an abandoned mine site
2 proposed to be remediated by the Good Samari-
3 tan, the Administrator shall deny the applica-
4 tion for a Good Samaritan permit.

5 (c) APPLICATION FOR PERMITS.—To obtain a Good
6 Samaritan permit, a person shall submit to the Adminis-
7 trator an application, signed by the person and any co-
8 operating person, that provides, to the extent known or
9 reasonably discoverable by the person on the date on which
10 the application is submitted—

11 (1) a description of the abandoned mine site
12 (including the boundaries of the abandoned mine
13 site) proposed to be covered by the Good Samaritan
14 permit;

15 (2) a description of all parties proposed to be
16 involved in the remediation project, including any co-
17 operating person and each member of an applicable
18 corporation, association, partnership, consortium,
19 joint venture, commercial entity, or nonprofit asso-
20 ciation;

21 (3) evidence that the person has or will acquire
22 all legal rights or the authority necessary to enter
23 the relevant abandoned mine site and perform the
24 remediation described in the application;

1 (4) a detailed description of the historic mine
2 residue to be remediated;

3 (5) a detailed description of the expertise and
4 experience of the person and the resources available
5 to the person to successfully implement and com-
6 plete the remediation plan under paragraph (7);

7 (6) to the satisfaction of the Administrator and
8 subject to subsection (d), a description of the base-
9 line environmental conditions, including potentially
10 affected surface water quality and hydrological con-
11 ditions, affected by the historic mine residue to be
12 remediated that includes—

13 (A) the nature and extent of any adverse
14 impact on the water quality of any body of
15 water caused by the drainage of historic mine
16 residue or other discharges from the abandoned
17 mine site;

18 (B) the flow rate and concentration of any
19 drainage of historic mine residue or other dis-
20 charge from the abandoned mine site in any
21 body of water that has resulted in an adverse
22 impact described in subparagraph (A); and

23 (C) any other release or threat of release
24 of historic mine residue that has resulted in an

1 adverse impact to public health or the environ-
2 ment;

3 (7) subject to subsection (d), a remediation
4 plan for the abandoned mine site that describes—

5 (A) the nature and scope of the proposed
6 remediation activities, including—

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

9 (ii) a description of the goals of the
10 remediation including, if applicable, with
11 respect to—

12 (I) the reduction or prevention of
13 a release, threat of release, or dis-
14 charge to surface waters; or

15 (II) other appropriate goals relat-
16 ing to water or soil;

17 (B) each activity that the person proposes
18 to take that is designed—

19 (i) to improve or enhance water qual-
20 ity or site-specific soil quality relevant to
21 the historic mine residue addressed by the
22 remediation plan, including making meas-
23 urable progress toward achieving applicable
24 water quality standards; or

1 (ii) to otherwise protect human health
2 and the environment (including through
3 the prevention of a release, discharge, or
4 threat of release to water or soil);

5 (C) the monitoring or other form of assess-
6 ment that will be undertaken by the person to
7 evaluate the success of the activities described
8 in subparagraph (A) during and after the reme-
9 diation, with respect to the baseline conditions,
10 as described in paragraph (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 mine site); and

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

23 (8) subject to subsection (d), a schedule for the
24 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 mine site;

3 (9) subject to subsection (d), in the case of a
4 remediation activity that requires plugging, opening,
5 or otherwise altering the portal or adit of an aban-
6 doned mine site, an evaluation of abandoned mine
7 site conditions, including an assessment of any
8 pooled water or hydraulic pressure in the abandoned
9 mine site conducted by a licensed professional engi-
10 neer;

11 (10) a health and safety plan that is specifically
12 designed for mining remediation work;

13 (11) a specific contingency plan that—

14 (A) includes provisions on response and
15 notification to Federal, State, and local authori-
16 ties with jurisdiction over downstream waters
17 that have the potential to be impacted by an
18 unplanned release or discharge of hazardous
19 substances, pollutants, or contaminants; and

20 (B) is designed to respond to unplanned
21 adverse events (such as potential fluid release
22 that may result from addressing pooled water
23 or hydraulic pressure situations), including the
24 sudden release of historic mine residue;

1 (12) subject to subsection (d), a project budget
2 and description of financial resources that dem-
3 onstrate that the permitted work, including any op-
4 eration and maintenance, will be completed;

5 (13) subject to subsection (d), information dem-
6 onstrating that the applicant has the financial re-
7 sources to carry out the remediation (including any
8 long-term monitoring that may be required by the
9 Good Samaritan permit) or the ability to secure an
10 appropriate third-party financial assurance, as deter-
11 mined by the Administrator, to ensure completion of
12 the permitted work, including any long-term oper-
13 ations and maintenance of remediation activities
14 that may be—

15 (A) proposed in the application for the
16 Good Samaritan permit; or

17 (B) required by the Administrator as a
18 condition of granting the permit;

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

22 (15) subject to subsection (d), a description of
23 any planned post-remediation monitoring, if nec-
24 essary; and

1 (16) subject to subsection (d), any other appro-
2 priate information, as determined by the Adminis-
3 trator or the applicant.

4 (d) INVESTIGATIVE SAMPLING.—

5 (1) INVESTIGATIVE SAMPLING PERMITS.—The
6 Administrator may grant an investigative sampling
7 permit for a period determined by the Administrator
8 to authorize a person to conduct investigative sam-
9 pling of historic mine residue, soil, or water to deter-
10 mine—

11 (A) baseline conditions; and

12 (B) whether the person—

13 (i) is willing to perform further reme-
14 diation to address the historic mine res-
15 idue; and

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

18 (2) APPLICATION.—If a person proposes to con-
19 duct investigative sampling, the person shall submit
20 to the Administrator an investigative sampling per-
21 mit application that contains, to the satisfaction of
22 the Administrator—

23 (A) each description required under para-
24 graphs (1), (2), (5), and (6) of subsection (c);

1 (B) the evidence required under subsection
2 (c)(3);

3 (C) each plan required under paragraphs
4 (10) and (11) of subsection (c); and

5 (D) a detailed plan of the investigative
6 sampling.

7 (3) PERMIT LIMITATIONS.—

8 (A) IN GENERAL.—If a person submits an
9 application that proposes only investigative
10 sampling of historic mine residue, soil, or water
11 that only includes the requirements described in
12 paragraph (2), the Administrator may only
13 grant an investigative sampling permit that au-
14 thORIZES the person only to carry out the plan
15 of investigative sampling of historic mine res-
16 idue, soil, or water, as described in the inves-
17 tigative sampling permit application under
18 paragraph (2).

19 (B) REPROCESSING.—An investigative
20 sampling permit—

21 (i) shall not authorize a Good Samari-
22 tan or cooperating person to conduct any
23 reprocessing of material; and

1 (ii) may authorize metallurgical test-
2 ing to determine whether reprocessing
3 under subsection (f)(5)(B) is feasible.

4 (4) REQUIREMENTS RELATING TO SAMPLES.—
5 In conducting investigative sampling of historic mine
6 residue, soil, or water, a person shall—

7 (A) collect samples that are representative
8 of the conditions present at the abandoned mine
9 site that is the subject of the investigative sam-
10 pling permit; and

11 (B) retain publicly available records of all
12 sampling events for a period of not less than 3
13 years.

14 (5) POST-SAMPLING REMEDIATION.—

15 (A) REFUSAL TO CONVERT PERMIT.—Sub-
16 ject to subparagraph (B), a person who obtains
17 an investigative sampling permit may decline to
18 apply to convert the investigative sampling per-
19 mit into a Good Samaritan permit under para-
20 graph (6) and decline to undertake remediation
21 on conclusion of investigative sampling.

22 (B) RETURN TO PREEXISTING CONDI-
23 TIONS.—If the activities carried out by a person
24 under an investigative sampling permit result in
25 surface water quality conditions, or any other

1 environmental conditions, that are worse than
2 the preexisting conditions of the applicable
3 abandoned mine site due to historic mine res-
4 idue at the abandoned mine site, the person
5 shall undertake actions to return the abandoned
6 mine site to those preexisting conditions.

7 (6) PERMIT CONVERSION.—Not later than 1
8 year after the date on which the investigative sam-
9 pling under the investigative sampling permit con-
10 cludes, a person to whom an investigative sampling
11 permit is granted under paragraph (1) may apply to
12 convert an investigative sampling permit into a Good
13 Samaritan permit under subsection (e)(1).

14 (e) INVESTIGATIVE SAMPLING CONVERSION.—

15 (1) IN GENERAL.—A person to which an inves-
16 tigative sampling permit was granted may submit to
17 the Administrator an application in accordance with
18 paragraph (2) to convert the investigative sampling
19 permit into a Good Samaritan permit.

20 (2) APPLICATION.—

21 (A) INVESTIGATIVE SAMPLING.—An appli-
22 cation for the conversion of an investigative
23 sampling permit under paragraph (1) shall in-
24 clude any requirement described in subsection

1 (c) that was not included in full in the applica-
2 tion submitted under subsection (d)(2).

3 (B) PUBLIC NOTICE AND COMMENT.—An
4 application for permit conversion under this
5 paragraph shall be subject to—

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

9 (ii) a public hearing, if requested.

10 (f) CONTENT OF PERMITS.—

11 (1) IN GENERAL.—A Good Samaritan permit
12 shall contain—

13 (A) the information described in subsection
14 (c), including any modification required by the
15 Administrator;

16 (B)(i) a provision that states that the
17 Good Samaritan is responsible for securing, for
18 all activities authorized under the Good Samari-
19 tan permit, all authorizations, licenses, and per-
20 mits that are required under applicable law ex-
21 cept for—

22 (I) section 301, 302, 306, 307, 402,
23 or 404 of the Federal Water Pollution
24 Control Act (33 U.S.C. 1311, 1312, 1316,
25 1317, 1342, 1344); and

1 (II) authorizations, licenses, and per-
2 mits that would not need to be obtained if
3 the remediation was conducted pursuant to
4 section 121 of the Comprehensive Environ-
5 mental Response, Compensation, and Li-
6 ability Act of 1980 (42 U.S.C. 9621); or

7 (ii) in the case of an abandoned mine site
8 in a State that is authorized to implement State
9 law pursuant to section 402 or 404 of the Fed-
10 eral Water Pollution Control Act (33 U.S.C.
11 1342, 1344) or on land of an Indian tribe that
12 is authorized to implement Tribal law pursuant
13 to that section, a provision that states that the
14 Good Samaritan is responsible for securing, for
15 all activities authorized under the Good Samari-
16 tan permit, all authorizations, licenses, and per-
17 mits that are required under applicable law, ex-
18 cept for—

19 (I) the State or Tribal law, as applica-
20 ble; and

21 (II) authorizations, licenses, and per-
22 mits that would not need to be obtained if
23 the remediation was conducted pursuant to
24 section 121 of the Comprehensive Environ-

1 mental Response, Compensation, and Li-
2 ability Act of 1980 (42 U.S.C. 9621);

3 (C) specific public notification require-
4 ments, including the contact information for all
5 appropriate response centers in accordance with
6 subsection (o);

7 (D) in the case of a project on land owned
8 by the United States, a notice that the Good
9 Samaritan permit serves as an agreement for
10 use and occupancy of Federal land that is en-
11 forceable by the applicable Federal land man-
12 agement agency; and

13 (E) any other terms and conditions deter-
14 mined to be appropriate by the Administrator
15 or the Federal land management agency, as ap-
16 plicable.

17 (2) FORCE MAJEURE.—A Good Samaritan per-
18 mit may include, at the request of the Good Samari-
19 tan, a provision that a Good Samaritan may assert
20 a claim of force majeure for any violation of the
21 Good Samaritan permit caused solely by—

22 (A) an act of God;

23 (B) an act of war;

24 (C) negligence on the part of the United
25 States;

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

3 (i) exercises due care with respect to
4 the actions of the Good Samaritan under
5 the Good Samaritan permit, as determined
6 by the Administrator;

7 (ii) took precautions against foresee-
8 able acts or omissions of the third party,
9 as determined by the Administrator; and

10 (iii) uses reasonable efforts—

11 (I) to anticipate any potential
12 force majeure; and

13 (II) to address the effects of any
14 potential force majeure; or

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

18 (3) MONITORING.—

19 (A) IN GENERAL.—The Good Samaritan
20 shall take such actions as the Good Samaritan
21 permit requires to ensure appropriate baseline
22 monitoring, monitoring during the remediation
23 project, and post-remediation monitoring of the
24 environment under paragraphs (6), (7), and
25 (15), respectively, of subsection (c).

1 (B) MULTIPARTY MONITORING.—The Ad-
2 ministrator may approve in a Good Samaritan
3 permit the monitoring by multiple cooperating
4 persons if, as determined by the Adminis-
5 trator—

6 (i) the multiparty monitoring will ef-
7 fectively accomplish the goals of this sec-
8 tion; and

9 (ii) the Good Samaritan remains re-
10 sponsible for compliance with the terms of
11 the Good Samaritan permit.

12 (4) SIGNATURE BY GOOD SAMARITAN.—The
13 signature of the relevant Good Samaritan and a co-
14 operating person, if any, on the Good Samaritan
15 permit shall be considered to be an acknowledgment
16 by the Good Samaritan that the Good Samaritan ac-
17 cepts the terms and conditions of the Good Samari-
18 tan permit.

19 (5) OTHER DEVELOPMENT.—

20 (A) NO AUTHORIZATION OF MINING AC-
21 TIVITIES.—No mineral exploration, processing,
22 beneficiation, or mining shall be—

23 (i) authorized by this Act; or

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

1 (B) REPROCESSING OF MATERIALS.—A

2 Good Samaritan may reprocess materials recov-
3 ered during the implementation of a remedi-
4 ation plan only if—

5 (i) the project under the Good Samar-
6 itan permit is on land owned by the United
7 States;

8 (ii) the applicable Federal land man-
9 agement agency has signed a decision doc-
10 ument under subsection (l)(2)(G) approv-
11 ing reprocessing as part of a remediation
12 plan;

13 (iii) the proceeds from the sale or use
14 of the materials are used—

15 (I) to defray the costs of the re-
16 mediation; and

17 (II) to the extent required by the
18 Good Samaritan permit, to reimburse
19 the Administrator or the head of a
20 Federal land management agency for
21 any costs incurred for oversight of the
22 Good Samaritan; and

23 (iv) any remaining proceeds are de-
24 posited into the Good Samaritan Mine Re-

1 mediation Fund established by section
2 5(a).

3 (C) CONNECTION WITH OTHER ACTIVI-
4 TIES.—The commingling or association of any
5 other discharge of water or historic mine res-
6 idue or any activity, project, or operation con-
7 ducted on or after the date of enactment of this
8 Act with any aspect of a project subject to a
9 Good Samaritan permit shall not limit or re-
10 duce the liability of any person associated with
11 the other discharge of water or historic mine
12 residue or activity, project, or operation.

13 (g) ADDITIONAL WORK.—A Good Samaritan permit
14 may allow the Good Samaritan to return to the abandoned
15 mine site after the completion of the remediation to per-
16 form operations and maintenance or other work—

17 (1) to ensure the functionality of the abandoned
18 mine site; or

19 (2) to protect public health and the environ-
20 ment.

21 (h) TIMING.—Work authorized under a Good Samar-
22 itan permit—

23 (1) shall commence, as applicable—

24 (A) not later than the date that is 18
25 months after the date on which the Adminis-

1 trator granted the Good Samaritan permit, un-
2 less the Administrator grants an extension
3 under subsection (r)(3)(B)(i); or

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

9 (2) shall continue until completed, with tem-
10 porary suspensions permitted during adverse weath-
11 er or other conditions specified in the Good Samari-
12 tan permit.

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

15 (1) the Administrator determines that the
16 transferee qualifies as a Good Samaritan;

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

19 (3) the Administrator includes in the trans-
20 ferred permit any additional conditions necessary to
21 meet the goals of this section; and

22 (4) in the case of a project under the Good Sa-
23 maritan permit on land owned by the United States,
24 the head of the applicable Federal land management
25 agency approves the transfer.

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

3 (1) the Administrator shall—

4 (A) consult with prospective applicants;

5 (B) convene, coordinate, and lead the ap-
6 plication review process;

7 (C) maintain all records relating to the
8 Good Samaritan permit and the permit process;

9 (D) in the case of a proposed project on
10 State, Tribal, or private land, provide an oppor-
11 tunity for cooperating persons and the public to
12 participate in the Good Samaritan permit proc-
13 ess, including—

14 (i) carrying out environmental review
15 and public comment procedures pursuant
16 to subsection (l); and

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

18 (E) enforce and otherwise carry out this
19 section; and

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

22 (A) in the case of a proposed project on
23 land owned by the United States, provide an
24 opportunity for cooperating persons and the

1 public to participate in the Good Samaritan
2 permit process, including—

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

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

7 (B) in coordination with the Adminis-
8 trator, enforce Good Samaritan permits issued
9 under this section for projects on land owned by
10 the United States.

11 (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

12 As soon as practicable, but not later than 14 days after
13 the date on which the Administrator receives an applica-
14 tion for the remediation of an abandoned mine site under
15 this section, the Administrator shall provide notice and a
16 copy of the application to—

17 (1) each local government with jurisdiction over
18 a drinking water utility, and each Indian tribe with
19 reservation or off-reservation treaty rights to land or
20 water, located downstream from a proposed remedi-
21 ation project that is reasonably anticipated to be ad-
22 versely impacted by a potential release of contami-
23 nants from the abandoned mine site, as determined
24 by the Administrator;

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

3 (3) in the case of an abandoned mine site that
4 is located partially or entirely on land owned by the
5 United States, the Federal land management agency
6 with jurisdiction over that land.

7 (1) ENVIRONMENTAL REVIEW AND PUBLIC COM-
8 MENT.—

9 (1) IN GENERAL.—Before the issuance of a
10 Good Samaritan permit to carry out a project for
11 the remediation of an abandoned mine site, the Ad-
12 ministrator shall ensure that environmental review
13 and public comment procedures are carried out with
14 respect to the proposed project.

15 (2) RELATION TO NEPA.—

16 (A) MAJOR FEDERAL ACTION.—Subject to
17 subparagraph (F), the issuance or modification
18 of a Good Samaritan permit by the Adminis-
19 trator shall be considered a major Federal ac-
20 tion for purposes of section 102 of the National
21 Environmental Policy Act of 1969 (42 U.S.C.
22 4332).

23 (B) LEAD AGENCY.—The lead agency for
24 purposes of an environmental assessment and

1 public comment under this subsection shall
2 be—

3 (i) in the case of a proposed project
4 on land owned by the United States, the
5 applicable Federal land management agen-
6 cy; and

7 (ii) in the case of a proposed project
8 on State, Tribal, or private land, the Ad-
9 ministrator.

10 (C) COORDINATION.—To the maximum ex-
11 tent practicable, the lead agency described in
12 subparagraph (B) shall coordinate procedures
13 under the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.) with State, Trib-
15 al, and Federal cooperating agencies, as appli-
16 cable.

17 (D) COOPERATING AGENCY.—In the case
18 of a proposed project on land owned by the
19 United States, the Administrator shall be a co-
20 operating agency for purposes of an environ-
21 mental assessment and public comment under
22 this subsection.

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

1 (i) the issuance of a Good Samaritan
2 permit;

3 (ii) any activities authorized by a
4 Good Samaritan permit; and

5 (iii) any applicable permits required
6 by the Secretary of the Interior or the Sec-
7 retary of Agriculture.

8 (F) SIGNIFICANT IMPACTS.—A Good Sa-
9 maritan permit may only be issued if the head
10 of the lead agency makes a finding of no sig-
11 nificant impact supported by the environmental
12 assessment conducted pursuant to this sub-
13 section.

14 (G) DECISION DOCUMENT.—An approval
15 or denial of a Good Samaritan permit may be
16 issued as a single decision document that is
17 signed by—

18 (i) the Administrator; and

19 (ii) in the case of a project on land
20 owned by the United States, the head of
21 the applicable Federal land management
22 agency.

23 (H) LIMITATION.—Nothing in this para-
24 graph exempts the Secretary of Agriculture or
25 the Secretary of the Interior, as applicable,

1 from any other requirements of section 102 of
2 the National Environmental Policy Act of 1969
3 (42 U.S.C. 4332).

4 (m) PERMIT GRANT.—

5 (1) IN GENERAL.—The Administrator may
6 grant a Good Samaritan permit to carry out a
7 project for the remediation of an abandoned mine
8 site only if—

9 (A) the Administrator determines that—

10 (i) the person seeking the permit is a
11 Good Samaritan;

12 (ii) the application described in sub-
13 section (c) is complete;

14 (iii) the project is designed to reme-
15 diate historic mine residue at the aban-
16 doned mine site to protect public health
17 and the environment;

18 (iv) the proposed project is designed
19 to meet all other goals, as determined by
20 the Administrator, including any goals set
21 forth in the application for the Good Sa-
22 maritan permit that are accepted by the
23 Administrator;

1 (v) the proposed activities, as com-
2 pared to the baseline conditions described
3 in subsection (c)(6)—

4 (I) will make measurable
5 progress toward achieving applicable
6 water quality standards; or

7 (II) are designed to result in—

8 (aa) improved soil quality or
9 other environmental or safety
10 conditions; or

11 (bb) reductions in further
12 threats to soil quality or other
13 environmental or safety condi-
14 tions;

15 (vi) the applicant has—

16 (I) demonstrated that the appli-
17 cant has the proper and appropriate
18 experience and capacity to complete
19 the permitted work;

20 (II) demonstrated that the appli-
21 cant will complete the permitted work;

22 (III) the financial and other re-
23 sources to address any contingencies
24 identified in the Good Samaritan per-

1 mit application described in sub-
2 sections (b) and (c);

3 (IV) granted access and provided
4 the authority to review the records of
5 the applicant relevant to compliance
6 with the requirements of the Good Sa-
7 maritan permit; and

8 (V) demonstrated, to the satisfac-
9 tion of the Administrator, that—

10 (aa) the applicant has, or
11 has access to, the financial re-
12 sources to complete the project
13 described in the Good Samaritan
14 permit application, including any
15 long-term monitoring and oper-
16 ations and maintenance that the
17 Administrator may require the
18 applicant to perform in the Good
19 Samaritan permit; or

20 (bb) the applicant has estab-
21 lished a third-party financial as-
22 surance mechanism, such as a
23 corporate guarantee from a par-
24 ent or other corporate affiliate,
25 letter of credit, trust, surety

1 bond, or insurance to assure that
2 funds are available to complete
3 the permitted work, including for
4 operations and maintenance and
5 to address potential contin-
6 gencies, that establishes the Ad-
7 ministrator or the head of the
8 Federal land management agency
9 as the beneficiary of the third-
10 party financial assurance mecha-
11 nism and that allows the Admin-
12 istrator to retain and use the
13 funds from the financial assur-
14 ance mechanism in the event the
15 Good Samaritan does not com-
16 plete the remediation under the
17 Good Samaritan permit; and

18 (vii) the project meets the require-
19 ments of this Act;

20 (B) the State or Indian tribe with jurisdic-
21 tion over land on which the abandoned mine
22 site is located has been given an opportunity to
23 review and, if necessary, comment on the grant
24 of the Good Samaritan permit;

1 (C) in the case of a project proposed to be
2 carried out under the Good Samaritan permit
3 partially or entirely on land owned by the
4 United States, pursuant to subsection (l), the
5 head of the applicable Federal land manage-
6 ment agency has signed a decision document
7 approving the proposed project; and

8 (D) the Administrator or head of the Fed-
9 eral land management agency, as applicable,
10 has provided—

11 (i) environmental review and public
12 comment procedures required by sub-
13 section (l); and

14 (ii) a public hearing under that sub-
15 section, if requested.

16 (2) DEADLINE.—

17 (A) IN GENERAL.—The Administrator
18 shall grant or deny a Good Samaritan permit
19 by not later than—

20 (i) the date that is 180 days after the
21 date of receipt by the Administrator of an
22 application for the Good Samaritan permit
23 that, as determined by the Administrator,
24 is complete and meets all applicable re-
25 quirements of subsection (c); or

1 (ii) such later date as may be deter-
2 mined by the Administrator with notifica-
3 tion provided to the applicant.

4 (B) CONSTRUCTIVE DENIAL.—If the Ad-
5 ministrator fails to grant or deny a Good Sa-
6 maritan permit by the applicable deadline de-
7 scribed in subparagraph (A), the application
8 shall be considered to be denied.

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

14 (n) EFFECT OF PERMITS.—

15 (1) IN GENERAL.—A Good Samaritan, recipient
16 of an investigative sampling permit, and any cooper-
17 ating person undertaking remediation activities iden-
18 tified in, carried out pursuant to, and in compliance
19 with, a Good Samaritan permit—

20 (A) shall be considered to be in compliance
21 with all requirements (including permitting re-
22 quirements) under the Federal Water Pollution
23 Control Act (33 U.S.C. 1251 et seq.) (including
24 any law or regulation implemented by a State
25 or Indian tribe under section 402 or 404 of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1342, 1344)) and the Comprehensive Environ-
3 mental Response, Compensation, and Liability
4 Act of 1980 (42 U.S.C. 9601 et seq.) during
5 the term of the Good Samaritan permit and
6 after the termination of the Good Samaritan
7 permit;

8 (B) shall not be required to obtain a per-
9 mit under, or to comply with, section 301, 302,
10 306, 307, 402, or 404 of the Federal Water
11 Pollution Control Act (33 U.S.C. 1311, 1312,
12 1316, 1317, 1342, 1344), or any State or Trib-
13 al standards or regulations approved by the Ad-
14 ministrator under those sections of that Act,
15 during the term of the Good Samaritan permit
16 and after the termination of the Good Samari-
17 tan permit; and

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

1 (2) ACTIVITIES NOT RELATING TO REMEDI-
2 ATION.—

3 (A) IN GENERAL.—Any person (including
4 a Good Samaritan or any cooperating person)
5 that carries out any activity relating to mineral
6 exploration, processing, beneficiation, or min-
7 ing, including development, that is not author-
8 ized by the applicable Good Samaritan permit
9 shall be subject to all applicable law.

10 (B) LIABILITY.—Any activity not author-
11 ized by a Good Samaritan permit, as deter-
12 mined by the Administrator, may be subject to
13 liability and enforcement under all applicable
14 law, including—

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

17 (ii) the Comprehensive Environmental
18 Response, Compensation, and Liability Act
19 of 1980 (42 U.S.C. 9601 et seq.).

20 (3) NO ENFORCEMENT LIABILITY FOR GOOD
21 SAMARITANS.—

22 (A) DISCHARGES.—Subject to subpara-
23 graphs (B) and (C), a Good Samaritan, recipi-
24 ent of an investigative sampling permit, or co-
25 operating person that is conducting a remedi-

1 ation activity identified in, pursuant to, and in
2 compliance with, a Good Samaritan permit shall
3 not be subject to enforcement, civil or criminal
4 penalties, citizen suits, or any other liability (in-
5 cluding any liability for response costs, natural
6 resource damage, or contribution) under the
7 Federal Water Pollution Control Act (33 U.S.C.
8 1251 et seq.) (including under any law or regu-
9 lation administered by a State or Indian tribe
10 under that Act) or the Comprehensive Environ-
11 mental Response, Compensation, and Liability
12 Act of 1980 (42 U.S.C. 9601 et seq.) for any
13 actions undertaken or for any past, present, or
14 future releases, threats of releases, or dis-
15 charges of hazardous substances, pollutants, or
16 contaminants at or from the abandoned mine
17 site that is the subject of the Good Samaritan
18 permit (including any releases, threats of re-
19 leases, or discharges that occurred prior to the
20 grant of the Good Samaritan permit) during
21 the term of the Good Samaritan permit and
22 after termination of the Good Samaritan per-
23 mit.

1 (B) OTHER PARTIES.—Nothing in sub-
2 paragraph (A) limits the liability of any person
3 that is not described in that subparagraph.

4 (C) VIOLATION OF A PERMIT PRIOR TO
5 TERMINATION.—Notwithstanding subparagraph
6 (A), if a Good Samaritan or cooperating person
7 violates the terms of a Good Samaritan permit
8 and that violation results in surface water qual-
9 ity or other environmental conditions that are
10 measurably worse than baseline conditions at
11 the abandoned mine site, the Administrator
12 shall—

13 (i) notify the Good Samaritan and the
14 cooperating person of the violation; and

15 (ii) require the Good Samaritan or the
16 cooperating person, as applicable, to un-
17 dertake reasonable measures, as deter-
18 mined by the Administrator, to return sur-
19 face water quality or other environmental
20 conditions to the condition that existed
21 prior to the violation.

22 (4) MINOR OR CORRECTED PERMIT VIOLA-
23 TIONS.—For purposes of this subsection, failure to
24 comply with any term, condition, or limitation of a
25 Good Samaritan permit or investigative sampling

1 permit shall not be considered a permit violation or
2 noncompliance if—

3 (A) that failure to comply is corrected by
4 the permittee within a reasonable period of
5 time, as established by the Administrator; and

6 (B)(i) that failure or noncompliance does
7 not result in a measurable adverse impact on
8 water quality or other environmental conditions;
9 or

10 (ii) the water quality and other affected
11 environmental conditions as a result of that
12 failure or noncompliance have been returned to
13 the condition that existed prior to the violation,
14 as described in paragraph (3)(C)(ii).

15 (o) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A
16 Good Samaritan shall notify all appropriate Federal,
17 State, Tribal, and local entities of any unplanned or pre-
18 viously unknown release of historic mine residue caused
19 by the actions of the Good Samaritan or any cooperating
20 person in accordance with—

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

1 (2) section 304 of the Emergency Planning and
2 Community Right-To-Know Act of 1986 (42 U.S.C.
3 11004);

4 (3) the Federal Water Pollution Control Act
5 (33 U.S.C. 1251 et seq.);

6 (4) any other applicable provision of Federal
7 law; and

8 (5) any other applicable provision of State,
9 Tribal, or local law.

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

13 (1) section 319 of the Federal Water Pollution
14 Control Act (33 U.S.C. 1329); and

15 (2) section 104(k) of the Comprehensive Envi-
16 ronmental Response, Compensation, and Liability
17 Act of 1980 (42 U.S.C. 9604(k)).

18 (q) EMERGENCY AUTHORITY AND LIABILITY.—

19 (1) EMERGENCY AUTHORITY.—Nothing in this
20 section affects the authority of—

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

23 (B) a Federal, State, Tribal, or local agen-
24 cy to carry out any emergency authority, in-

1 including an emergency authority provided under
2 Federal, State, Tribal, or local law.

3 (2) LIABILITY.—Except as specifically provided
4 in this Act, nothing in this Act, a Good Samaritan
5 permit, or an investigative sampling permit limits
6 the liability of any person (including a Good Samari-
7 tan or any cooperating person) under any provision
8 of law.

9 (r) TERMINATION OF AUTHORITY.—

10 (1) TERMINATION.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), the authority to grant Good
13 Samaritan permits pursuant to this Act shall
14 terminate on the date that is 7 years after the
15 date of enactment of this Act.

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

22 (i) was submitted not later than 180
23 days before that date; and

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

4 (2) EFFECT ON CERTAIN PERMITS.—Any Good
5 Samaritan permit granted by the deadline prescribed
6 in subparagraph (A) or (B) of paragraph (1), as ap-
7 plicable, that is in effect on the date that is 7 years
8 after the date of enactment of this Act shall remain
9 in effect after that date in accordance with—

10 (A) the terms and conditions of the Good
11 Samaritan permit; and

12 (B) this Act.

13 (3) TERMINATION OF PERMIT.—

14 (A) IN GENERAL.—A Good Samaritan per-
15 mit shall terminate, as applicable—

16 (i) on inspection and notice from the
17 Administrator to the recipient of the Good
18 Samaritan permit that the permitted work
19 has been completed in accordance with the
20 terms of the Good Samaritan permit, as
21 determined by the Administrator;

22 (ii) if the Administrator terminates a
23 permit under paragraph (4)(B)(i); or

24 (iii) except as provided in subpara-
25 graph (B)—

1 (I) on the date that is 18 months
2 after the date on which the Adminis-
3 trator granted the Good Samaritan
4 permit, if the permitted work has not
5 commenced by that date; or

6 (II) if the grant of the Good Sa-
7 maritan permit was the subject of a
8 petition for judicial review, on the
9 date that is 18 months after the date
10 on which the judicial review, including
11 any appeals, has concluded, if the per-
12 mitted work has not commenced by
13 that date.

14 (B) EXTENSION.—

15 (i) IN GENERAL.—If the Adminis-
16 trator is otherwise required to terminate a
17 Good Samaritan permit under subpara-
18 graph (A)(iii), the Administrator may
19 grant an extension of the Good Samaritan
20 permit.

21 (ii) LIMITATION.—Any extension
22 granted under clause (i) shall be not more
23 than 180 days for each extension.

24 (4) UNFORESEEN CIRCUMSTANCES.—

1 (A) IN GENERAL.—The recipient of a Good
2 Samaritan permit or investigative sampling per-
3 mit may seek to modify or terminate the Good
4 Samaritan permit or investigative sampling per-
5 mit to take into account any event or condition
6 that—

7 (i) significantly reduces the feasibility
8 or significantly increases the cost of com-
9 pleting the remediation project that is the
10 subject of the Good Samaritan permit or
11 investigative sampling permit;

12 (ii) was not—

13 (I) reasonably contemplated by
14 the recipient of the permit; or

15 (II) taken into account in the re-
16 mediation plan of the recipient of the
17 permit; and

18 (iii) is beyond the control of the re-
19 cipient of the permit, as determined by the
20 Administrator.

21 (B) TERMINATION.—

22 (i) IN GENERAL.—The Administrator
23 shall terminate a Good Samaritan permit
24 or investigative sampling permit if—

1 (I) the recipient of the permit
2 seeks termination of the permit under
3 subparagraph (A);

4 (II) the factors described in sub-
5 paragraph (A) are satisfied; and

6 (III) the Administrator deter-
7 mines that remediation activities con-
8 ducted by the Good Samaritan or per-
9 son pursuant to the Good Samaritan
10 permit or investigative sampling per-
11 mit, respectively, may result in sur-
12 face water quality conditions, or any
13 other environmental conditions, that
14 will be worse than the baseline condi-
15 tions, as described in subsection
16 (c)(6), as applicable.

17 (ii) EFFECT OF TERMINATION.—Not-
18 withstanding the termination of a Good
19 Samaritan permit or an investigative sam-
20 pling permit under clause (i), the provi-
21 sions of paragraphs (1) through (4) of sub-
22 section (n) shall continue to apply to the
23 Good Samaritan, the recipient of an inves-
24 tigative sampling permit, and any cooper-
25 ating persons after the termination, includ-

1 ing to any long-term operations and main-
2 tenance pursuant to the agreement under
3 paragraph (5).

4 (5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-
5 term operations and maintenance at an abandoned
6 mine site located on land owned by the United
7 States, the project may be considered complete and
8 the Administrator may terminate the Good Samaritan
9 permit under this subsection if the applicable
10 Good Samaritan has entered into an agreement with
11 the applicable Federal land management agency or
12 a cooperating person for the long-term operations
13 and maintenance that includes sufficient funding for
14 the long-term operations and maintenance.

15 (s) REGULATIONS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 not later than 18 months after the date of enact-
18 ment of this Act, the Administrator, in consultation
19 with the Secretary of the Interior and the Secretary
20 of Agriculture, and appropriate State, Tribal, and
21 local officials, shall promulgate regulations to estab-
22 lish—

23 (A) requirements for remediation plans de-
24 scribed in subsection (c); and
25

1 (B) any other requirement that the Admin-
2 istrator determines to be necessary to carry out
3 this Act.

4 (2) SPECIFIC REQUIREMENTS BEFORE PROMUL-
5 GATION OF REGULATIONS.—Before the date on
6 which the Administrator promulgates regulations
7 under paragraph (1), the Administrator may estab-
8 lish, on a case-by-case basis, specific requirements
9 that the Administrator determines would facilitate
10 the implementation of this subsection with respect to
11 a Good Samaritan permitting program.

12 **SEC. 5. SPECIAL ACCOUNTS.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a Good Samaritan Mine
15 Remediation Fund (referred to in this section as a
16 “Fund”) for—

17 (1) each Federal land management agency that
18 authorizes a Good Samaritan to conduct a project
19 on Federal land under the jurisdiction of that Fed-
20 eral land management agency under a Good Samari-
21 tan permit; and

22 (2) the Environmental Protection Agency.

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

24 (1) amounts provided in appropriation Acts;

1 (2) any proceeds from reprocessing deposited
2 under section 4(f)(5)(B)(iv);

3 (3) any financial assurance funds collected from
4 an agreement described in section
5 4(m)(1)(A)(vi)(V)(bb);

6 (4) any funds collected for long-term operations
7 and maintenance under an agreement under section
8 4(r)(5);

9 (5) any interest earned under an investment
10 under subsection (c);

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

13 (7) any amounts donated to the Fund by any
14 person.

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

17 (1) maintained as readily available or on de-
18 posit;

19 (2) invested in obligations of the United States
20 or guaranteed by the United States; or

21 (3) invested in obligations, participations, or
22 other instruments that are lawful investments for a
23 fiduciary, a trust, or public funds.

24 (d) RETAIN AND USE AUTHORITY.—The Adminis-
25 trator and each head of a Federal land management agen-

1 cy, as appropriate, may, notwithstanding any other provi-
2 sion of law, retain and use money deposited in the applica-
3 ble Fund without fiscal year limitation for the purpose of
4 carrying out this Act.

5 **SEC. 6. REPORT TO CONGRESS.**

6 (a) IN GENERAL.—Not later than 8 years after the
7 date of enactment of this Act, the Administrator, in con-
8 sultation with the heads of Federal land management
9 agencies, shall submit to the Committee on Environment
10 and Public Works of the Senate and the Committees on
11 Transportation and Infrastructure, Energy and Com-
12 merce, and Natural Resources of the House of Represent-
13 atives a report evaluating the Good Samaritan pilot pro-
14 gram under this Act.

15 (b) INCLUSIONS.—The report under subsection (a)
16 shall include—

17 (1) a description of—

18 (A) the number, types, and objectives of
19 Good Samaritan permits granted pursuant to
20 this Act; and

21 (B) each remediation project authorized by
22 those Good Samaritan permits;

23 (2) qualitative and quantitative data on the re-
24 sults achieved under the Good Samaritan permits
25 before the date of issuance of the report;

1 (3) a description of—

2 (A) any problems encountered in admin-
3 istering this Act; and

4 (B) whether the problems have been or can
5 be remedied by administrative action (including
6 amendments to existing law);

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

9 (5) recommendations on whether the Good Sa-
10 maritan pilot program under this Act should be con-
11 tinued, including a description of any modifications
12 (including amendments to existing law) required to
13 continue administering this Act.

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