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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABANDONED MINE SITE.—

(A) IN GENERAL.—The term “abandoned mine site” means an abandoned or inactive
hardrock mine site and any facility associated
with an abandoned or inactive hardrock mine
site—

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

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

(I) who is potentially liable for,
or has been required to perform or
pay for, environmental remediation
activities under applicable law; and
(II) other than, in the case of a mine site located on land owned by the United States, a Federal land management agency that has not been involved in mining activity on that land, except that the approval of a plan of operations under the hardrock mining regulations of the applicable Federal land management agency shall not be considered involvement in the mining activity.

(B) INCLUSION.—The term “abandoned mine site” includes a hardrock mine site (including associated facilities) that was previously the subject of a completed response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program, including the remediation of mine-scarred land under the brownfields revitalization program under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)).
(C) EXCLUSIONS.—The term “abandoned mine site” does not include a mine site (including associated facilities)—

(i) in a temporary shutdown or cessation;

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

(iii) that is the subject of a planned or ongoing response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program;

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

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

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
(3) **Applicable water quality standards.**—The term “applicable water quality standards” means the water quality standards promulgated by the Administrator or adopted by a State or Indian tribe and approved by the Administrator pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(4) **Cooperating person.**—

(A) **In general.**—The term “cooperating person” means any person that is named by the Good Samaritan in the permit application as a cooperating entity.

(B) **Exclusion.**—The term “cooperating person” does not include a responsible owner or operator.

(5) **Federal land management agency.**—The term “Federal land management agency” means any Federal agency authorized by law or Executive order to exercise jurisdiction, custody, or control over land owned by the United States.

(6) **Good Samaritan.**—The term “Good Samaritan” means a person that, with respect to historic mine residue, as determined by the Administrator—
(A) is not a past or current owner or operator of—

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

(ii) a portion of that abandoned mine site;

(B) had no role in the creation of the historic mine residue; and

(C) is not potentially liable under any Federal, State, Tribal, or local law for the remediation, treatment, or control of the historic mine residue.

(7) Good Samaritan permit.—The term “Good Samaritan permit” means a permit granted by the Administrator under section 4(a)(1).

(8) Historic mine residue.—

(A) In general.—The term “historic mine residue” means mine residue or any condition at an abandoned mine site resulting from hardrock mining activities conducted on—

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

(ii) State, Tribal, or private land.
(B) Inclusions.—The term “historic mine residue” includes—

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

(ii) equipment (including materials in equipment);

(iii) any tailings, heap leach piles, dump leach piles, waste rock, overburden, slag piles, or other waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an abandoned mine site;

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

(v) any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation,
and Liability Act of 1980 (42 U.S.C. 9601));
(vi) any pollutant or contaminant (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); and
(vii) any pollutant (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).

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

(10) INVESTIGATIVE SAMPLING PERMIT.—The term “investigative sampling permit” means a permit granted by the Administrator under section 4(d)(1).

(11) PERSON.—The term “person” means any entity described in—
(A) section 502(5) of the Federal Water Pollution Control Act (33 U.S.C. 1362(5)); and
(B) section 101(21) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(21)).
(12) REMEDIATION.—

(A) IN GENERAL.—The term “remediation” means any action taken to investigate, characterize, or cleanup, in whole or in part, a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from an abandoned mine site, or to otherwise protect and improve human health and the environment.

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

(i) the release or threat of release of a hazardous substance, pollutant, or contaminant that would harm human health or the environment; or

(ii) a migration or discharge of a hazardous substance, pollutant, or contaminant that would harm human health or the environment.

(C) EXCLUSION FOR STATE, TRIBAL, OR PRIVATE LAND.—In the case of a project to remediate historic mine residue at any portion of an abandoned mine site on State, Tribal, or pri-
vate land, the term “remediation” does not in-
clude any action that requires plugging, open-
ing, or otherwise altering the portal or adit of
the abandoned mine site.

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

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

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

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

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

(ii) financially able to comply with each requirement described in those sections, as applicable.

SEC. 3. SCOPE.

Nothing in this Act—

(1) reduces any existing liability;

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

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

(4) imposes liability on the United States or a Federal land management agency pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) or section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311); or

(5) relieves the United States or any Federal land management agency from any liability under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980
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(42 U.S.C. 9607) or section 301 of the Federal

Water Pollution Control Act (33 U.S.C. 1311) that
exists apart from any action undertaken pursuant to
this Act.

SEC. 4. ABANDONED MINE SITE GOOD SAMARITAN PILOT

PROJECT AUTHORIZATION.

(a) Establishment.—

(1) In general.—The Administrator shall es-

tablish a pilot program under which the Adminis-

trator shall grant not more than 15 Good Samaritan

permits to carry out projects to remediate historic

mine residue at any portions of abandoned mine

sites in accordance with this Act.

(2) Oversight of permits.—The Adminis-

trator may oversee the remediation project under

paragraph (1), and any action taken by the applica-

ble Good Samaritan or any cooperating person

under the applicable Good Samaritan permit, for the

duration of the Good Samaritan permit, as the Ad-

ministrator determines to be necessary to review the

status of the project.

(b) Good Samaritan Permit Eligibility.—

(1) In general.—To be eligible to receive a

Good Samaritan permit to carry out a project to re-
mediate an abandoned mine site, a person shall demonstrate that—

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

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

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

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

(E) to the satisfaction of the Administrator, the person—

(i) possesses, or has the ability to secure, the financial and other resources necessary—

(I) to complete the permitted work, as determined by the Administrator; and

(II) to address any contingencies identified in the Good Samaritan per-
mit application described in subsection 
(e);
(ii) possesses the proper and appro- 
priate experience and capacity to complete 
the permitted work; and
(iii) will complete the permitted work;
and
(F) the person is a Good Samaritan with 
respect to the historic mine residue proposed to 
be covered by the Good Samaritan permit.

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

(A) IN GENERAL.—A Good Samaritan 
shall make reasonable and diligent efforts to 
identify, from a review of publicly available in- 
formation in land records or on internet 
websites of Federal, State, and local regulatory 
authorities, all responsible owners or operators 
of an abandoned mine site proposed to be reme- 
diated by the Good Samaritan under this sec- 
tion.

(B) EXISTING RESPONSIBLE OWNER OR 
OPERATOR.—If the Administrator determines, 
based on information provided by a Good Sa- 
martian or otherwise, that a responsible owner
or operator exists for an abandoned mine site
proposed to be remediated by the Good Samari-
tan, the Administrator shall deny the applica-
tion for a Good Samaritan permit.

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

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

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

(3) evidence that the person has or will acquire
all legal rights or the authority necessary to enter
the relevant abandoned mine site and perform the
remediation described in the application;
(4) a detailed description of the historic mine residue to be remediated;

(5) a detailed description of the expertise and experience of the person and the resources available to the person to successfully implement and complete the remediation plan under paragraph (7);

(6) to the satisfaction of the Administrator and subject to subsection (d), a description of the baseline environmental conditions, including potentially affected surface water quality and hydrological conditions, affected by the historic mine residue to be remediated that includes—

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

(B) the flow rate and concentration of any drainage of historic mine residue or other discharge from the abandoned mine site in any body of water that has resulted in an adverse impact described in subparagraph (A); and

(C) any other release or threat of release of historic mine residue that has resulted in an
adverse impact to public health or the environment;

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

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

(i) any historic mine residue to be addressed by the remediation plan; and

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

(I) the reduction or prevention of a release, threat of release, or discharge to surface waters; or

(II) other appropriate goals relating to water or soil;

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

(i) to improve or enhance water quality or site-specific soil quality relevant to the historic mine residue addressed by the remediation plan, including making measurable progress toward achieving applicable water quality standards; or
(ii) to otherwise protect human health and the environment (including through the prevention of a release, discharge, or threat of release to water or soil);

(C) the monitoring or other form of assessment that will be undertaken by the person to evaluate the success of the activities described in subparagraph (A) during and after the remediation, with respect to the baseline conditions, as described in paragraph (6);

(D) to the satisfaction of the Administrator, detailed engineering plans for the project;

(E) detailed plans for any proposed recycling or reprocessing of historic mine residue to be conducted by the person (including a description of how all proposed recycling or reprocessing activities contribute to the remediation of the abandoned mine site); and

(F) identification of any proposed contractor that will perform any remediation activity;

(8) subject to subsection (d), a schedule for the work to be carried out under the project, including
a schedule for periodic reporting by the person on
the remediation of the abandoned mine site;

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

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

(11) a specific contingency plan that—

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

(B) is designed to respond to unplanned
adverse events (such as potential fluid release
that may result from addressing pooled water
or hydraulic pressure situations), including the
sudden release of historic mine residue;
(12) subject to subsection (d), a project budget and description of financial resources that demonstrate that the permitted work, including any operation and maintenance, will be completed;

(13) subject to subsection (d), information demonstrating that the applicant has the financial resources to carry out the remediation (including any long-term monitoring that may be required by the Good Samaritan permit) or the ability to secure an appropriate third-party financial assurance, as determined by the Administrator, to ensure completion of the permitted work, including any long-term operations and maintenance of remediation activities that may be—

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

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

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

(15) subject to subsection (d), a description of any planned post-remediation monitoring, if necessary; and
subject to subsection (d), any other appropriate information, as determined by the Administrator or the applicant.

(d) **Investigative Sampling.**—

(1) **Investigative Sampling Permits.**—The Administrator may grant an investigative sampling permit for a period determined by the Administrator to authorize a person to conduct investigative sampling of historic mine residue, soil, or water to determine—

(A) baseline conditions; and

(B) whether the person—

(i) is willing to perform further remediation to address the historic mine residue; and

(ii) will proceed with a permit conversion under subsection (e)(1).

(2) **Application.**—If a person proposes to conduct investigative sampling, the person shall submit to the Administrator an investigative sampling permit application that contains, to the satisfaction of the Administrator—

(A) each description required under paragraphs (1), (2), (5), and (6) of subsection (c);
(B) the evidence required under subsection (c)(3);
(C) each plan required under paragraphs (10) and (11) of subsection (c); and
(D) a detailed plan of the investigative sampling.

(3) PERMIT LIMITATIONS.—
(A) IN GENERAL.—If a person submits an application that proposes only investigative sampling of historic mine residue, soil, or water that only includes the requirements described in paragraph (2), the Administrator may only grant an investigative sampling permit that authorizes the person only to carry out the plan of investigative sampling of historic mine residue, soil, or water, as described in the investigative sampling permit application under paragraph (2).

(B) REPROCESSING.—An investigative sampling permit—
(i) shall not authorize a Good Samaritan or cooperating person to conduct any reprocessing of material; and
(ii) may authorize metallurgical testing to determine whether reprocessing under subsection (f)(5)(B) is feasible.

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

(A) collect samples that are representative of the conditions present at the abandoned mine site that is the subject of the investigative sampling permit; and

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

(5) POST-SAMPLING REMEDIATION.—

(A) REFUSAL TO CONVERT PERMIT.—Subject to subparagraph (B), a person who obtains an investigative sampling permit may decline to apply to convert the investigative sampling permit into a Good Samaritan permit under paragraph (6) and decline to undertake remediation on conclusion of investigative sampling.

(B) RETURN TO PREEXISTING CONDITIONS.—If the activities carried out by a person under an investigative sampling permit result in surface water quality conditions, or any other
environmental conditions, that are worse than
the preexisting conditions of the applicable
abandoned mine site due to historic mine res-
due at the abandoned mine site, the person
shall undertake actions to return the abandoned
mine site to those preexisting conditions.

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

(e) INVESTIGATIVE SAMPLING CONVERSION.—

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

(2) APPLICATION.—

(A) INVESTIGATIVE SAMPLING.—An appli-
cation for the conversion of an investigative
sampling permit under paragraph (1) shall in-
clude any requirement described in subsection
(c) that was not included in full in the application submitted under subsection (d)(2).

(B) Public notice and comment.—An application for permit conversion under this paragraph shall be subject to—

(i) environmental review and public comment procedures required by subsection (l); and

(ii) a public hearing, if requested.

(f) Content of permits.—

(1) In general.—A Good Samaritan permit shall contain—

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

(B)(i) a provision that states that the Good Samaritan is responsible for securing, for all activities authorized under the Good Samaritan permit, all authorizations, licenses, and permits that are required under applicable law except for—

(I) section 301, 302, 306, 307, 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1316, 1317, 1342, 1344); and
(II) authorizations, licenses, and permits that would not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621); or

(ii) in the case of an abandoned mine site in a State that is authorized to implement State law pursuant to section 402 or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344) or on land of an Indian tribe that is authorized to implement Tribal law pursuant to that section, a provision that states that the Good Samaritan is responsible for securing, for all activities authorized under the Good Samaritan permit, all authorizations, licenses, and permits that are required under applicable law, except for—

(I) the State or Tribal law, as applicable; and

(II) authorizations, licenses, and permits that would not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environ-
mental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621);

(C) specific public notification requirements, including the contact information for all appropriate response centers in accordance with subsection (o);

(D) in the case of a project on land owned by the United States, a notice that the Good Samaritan permit serves as an agreement for use and occupancy of Federal land that is enforceable by the applicable Federal land management agency; and

(E) any other terms and conditions determined to be appropriate by the Administrator or the Federal land management agency, as applicable.

(2) FORCE MAJEURE.—A Good Samaritan permit may include, at the request of the Good Samaritan, a provision that a Good Samaritan may assert a claim of force majeure for any violation of the Good Samaritan permit caused solely by—

(A) an act of God;

(B) an act of war;

(C) negligence on the part of the United States;
(D) an act or omission of a third party, if the Good Samaritan—

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

(ii) took precautions against foreseeable acts or omissions of the third party, as determined by the Administrator; and

(iii) uses reasonable efforts—

(I) to anticipate any potential force majeure; and

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

(E) a public health emergency declared by the Federal Government or a global government, such as a pandemic or an epidemic.

(3) MONITORING.—

(A) IN GENERAL.—The Good Samaritan shall take such actions as the Good Samaritan permit requires to ensure appropriate baseline monitoring, monitoring during the remediation project, and post-remediation monitoring of the environment under paragraphs (6), (7), and (15), respectively, of subsection (e).
(B) MULTIPARTY MONITORING.—The Administrator may approve in a Good Samaritan permit the monitoring by multiple cooperating persons if, as determined by the Administrator—

(i) the multiparty monitoring will effectively accomplish the goals of this section; and

(ii) the Good Samaritan remains responsible for compliance with the terms of the Good Samaritan permit.

(4) SIGNATURE BY GOOD SAMARITAN.—The signature of the relevant Good Samaritan and a cooperating person, if any, on the Good Samaritan permit shall be considered to be an acknowledgment by the Good Samaritan that the Good Samaritan accepts the terms and conditions of the Good Samaritan permit.

(5) OTHER DEVELOPMENT.—

(A) NO AUTHORIZATION OF MINING ACTIVITIES.—No mineral exploration, processing, beneficiation, or mining shall be—

(i) authorized by this Act; or

(ii) covered by any waiver of liability provided by this Act from applicable law.
(B) Reprocessing of Materials.—A Good Samaritan may reprocess materials recovered during the implementation of a remediation plan only if—

(i) the project under the Good Samaritan permit is on land owned by the United States;

(ii) the applicable Federal land management agency has signed a decision document under subsection (l)(2)(G) approving reprocessing as part of a remediation plan;

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

(I) to defray the costs of the remediation; and

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

(iv) any remaining proceeds are deposited into the Good Samaritan Mine Re-
mediation Fund established by section 5(a).

(C) CONNECTION WITH OTHER ACTIVITIES.—The commingling or association of any other discharge of water or historic mine residue or any activity, project, or operation conducted on or after the date of enactment of this Act with any aspect of a project subject to a Good Samaritan permit shall not limit or reduce the liability of any person associated with the other discharge of water or historic mine residue or activity, project, or operation.

(g) ADDITIONAL WORK.—A Good Samaritan permit may allow the Good Samaritan to return to the abandoned mine site after the completion of the remediation to perform operations and maintenance or other work—

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

(2) to protect public health and the environment.

(h) TIMING.—Work authorized under a Good Samaritan permit—

(1) shall commence, as applicable—

(A) not later than the date that is 18 months after the date on which the Adminis-
tractor granted the Good Samaritan permit, un-
less the Administrator grants an extension
under subsection (r)(3)(B)(i); or

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

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

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

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

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

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

(4) in the case of a project under the Good Sa-
maritan permit on land owned by the United States,
the head of the applicable Federal land management
agency approves the transfer.
(j) Role of Administrator and Federal Land Management Agencies.—In carrying out this section—

(1) the Administrator shall—

(A) consult with prospective applicants;

(B) convene, coordinate, and lead the application review process;

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

(D) in the case of a proposed project on State, Tribal, or private land, provide an opportunity for cooperating persons and the public to participate in the Good Samaritan permit process, including—

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

(ii) a public hearing, if requested; and

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

(2) the head of an applicable Federal land management agency shall—

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

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

(ii) a public hearing, if requested; and

(B) in coordination with the Administrator, enforce Good Samaritan permits issued under this section for projects on land owned by the United States.

(k) State, Local, and Tribal Governments.—

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

(1) each local government with jurisdiction over a drinking water utility, and each Indian tribe with reservation or off-reservation treaty rights to land or water, located downstream from a proposed remediation project that is reasonably anticipated to be adversely impacted by a potential release of contaminants from the abandoned mine site, as determined by the Administrator;
(2) each Federal, State, and Tribal agency that may have an interest in the application; and

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

(l) ENVIRONMENTAL REVIEW AND PUBLIC COMMENT.—

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

(2) RELATION TO NEPA.—

(A) MAJOR FEDERAL ACTION.—Subject to subparagraph (F), the issuance or modification of a Good Samaritan permit by the Administrator shall be considered a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

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

(i) in the case of a proposed project on land owned by the United States, the applicable Federal land management agency; and

(ii) in the case of a proposed project on State, Tribal, or private land, the Administrator.

(C) COORDINATION.—To the maximum extent practicable, the lead agency described in subparagraph (B) shall coordinate procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with State, Tribal, and Federal cooperating agencies, as applicable.

(D) COOPERATING AGENCY.—In the case of a proposed project on land owned by the United States, the Administrator shall be a cooperating agency for purposes of an environmental assessment and public comment under this subsection.

(E) SINGLE NEPA DOCUMENT.—The lead agency described in subparagraph (B) may conduct a single environmental assessment for—
(i) the issuance of a Good Samaritan permit;

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

(iii) any applicable permits required by the Secretary of the Interior or the Secretary of Agriculture.

(F) **Significant Impacts.**—A Good Samaritan permit may only be issued if the head of the lead agency makes a finding of no significant impact supported by the environmental assessment conducted pursuant to this subsection.

(G) **Decision Document.**—An approval or denial of a Good Samaritan permit may be issued as a single decision document that is signed by—

(i) the Administrator; and

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

(H) **Limitation.**—Nothing in this paragraph exempts the Secretary of Agriculture or the Secretary of the Interior, as applicable,
from any other requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(m) PERMIT GRANT.—

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

(A) the Administrator determines that—

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

(ii) the application described in subsection (c) is complete;

(iii) the project is designed to remediate historic mine residue at the abandoned mine site to protect public health and the environment;

(iv) the proposed project is designed to meet all other goals, as determined by the Administrator, including any goals set forth in the application for the Good Samaritan permit that are accepted by the Administrator;
(v) the proposed activities, as compared to the baseline conditions described in subsection (c)(6)—

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

(II) are designed to result in—

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

(bb) reductions in further threats to soil quality or other environmental or safety conditions;

(vi) the applicant has—

(I) demonstrated that the applicant has the proper and appropriate experience and capacity to complete the permitted work;

(II) demonstrated that the applicant will complete the permitted work;

(III) the financial and other resources to address any contingencies identified in the Good Samaritan per-
mit application described in subsections (b) and (c);

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

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

(aa) the applicant has, or
has access to, the financial re-
sources to complete the project
described in the Good Samaritan
permit application, including any
long-term monitoring and oper-
ations and maintenance that the
Administrator may require the
applicant to perform in the Good
Samaritan permit; or

(bb) the applicant has estab-
lished a third-party financial as-
surance mechanism, such as a
corporate guarantee from a par-
ent or other corporate affiliate,
letter of credit, trust, surety
bond, or insurance to assure that
funds are available to complete
the permitted work, including for
operations and maintenance and
to address potential contingencies, that establishes the Admin-
istrator or the head of the
Federal land management agency
as the beneficiary of the third-
party financial assurance mecha-
nism and that allows the Admin-
istrator to retain and use the
funds from the financial assurance mechanism in the event the
Good Samaritan does not com-
plete the remediation under the
Good Samaritan permit; and

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

(B) the State or Indian tribe with jurisdic-
tion over land on which the abandoned mine
site is located has been given an opportunity to
review and, if necessary, comment on the grant
of the Good Samaritan permit;
(C) in the case of a project proposed to be carried out under the Good Samaritan permit partially or entirely on land owned by the United States, pursuant to subsection (l), the head of the applicable Federal land management agency has signed a decision document approving the proposed project; and

(D) the Administrator or head of the Federal land management agency, as applicable, has provided—

(i) environmental review and public comment procedures required by subsection (l); and

(ii) a public hearing under that subsection, if requested.

(2) DEADLINE.—

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

(i) the date that is 180 days after the date of receipt by the Administrator of an application for the Good Samaritan permit that, as determined by the Administrator, is complete and meets all applicable requirements of subsection (c); or
(ii) such later date as may be determined by the Administrator with notification provided to the applicant.

(B) CONSTRUCTIVE DENIAL.—If the Administrator fails to grant or deny a Good Samaritan permit by the applicable deadline described in subparagraph (A), the application shall be considered to be denied.

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

(n) EFFECT OF PERMITS.—

(1) IN GENERAL.—A Good Samaritan, recipient of an investigative sampling permit, and any cooperating person undertaking remediation activities identified in, carried out pursuant to, and in compliance with, a Good Samaritan permit—

(A) shall be considered to be in compliance with all requirements (including permitting requirements) under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including any law or regulation implemented by a State or Indian tribe under section 402 or 404 of the
Federal Water Pollution Control Act (33 U.S.C. 1342, 1344)) and the Comprehensive Environ-
the term of the Good Samaritan permit and after the termination of the Good Samaritan permit;

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

(C) shall not be required to obtain any au-
uthorizations, licenses, or permits that would
otherwise not need to be obtained if the remedi-
ation was conducted pursuant to section 121 of
the Comprehensive Environmental Response,
Compensation, and Liability Act of 1980 (42
(2) Activities not relating to remediation.—

(A) In general.—Any person (including a Good Samaritan or any cooperating person) that carries out any activity relating to mineral exploration, processing, beneficiation, or mining, including development, that is not authorized by the applicable Good Samaritan permit shall be subject to all applicable law.

(B) Liability.—Any activity not authorized by a Good Samaritan permit, as determined by the Administrator, may be subject to liability and enforcement under all applicable law, including—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

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

(3) No enforcement liability for Good Samaritans.—

(A) Discharges.—Subject to subparagraphs (B) and (C), a Good Samaritan, recipient of an investigative sampling permit, or cooperating person that is conducting a remedi-
ation activity identified in, pursuant to, and in compliance with, a Good Samaritan permit shall not be subject to enforcement, civil or criminal penalties, citizen suits, or any other liability (including any liability for response costs, natural resource damage, or contribution) under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including under any law or regulation administered by a State or Indian tribe under that Act) or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any actions undertaken or for any past, present, or future releases, threats of releases, or discharges of hazardous substances, pollutants, or contaminants at or from the abandoned mine site that is the subject of the Good Samaritan permit (including any releases, threats of releases, or discharges that occurred prior to the grant of the Good Samaritan permit) during the term of the Good Samaritan permit and after termination of the Good Samaritan permit.
(B) OTHER PARTIES.—Nothing in subparagraph (A) limits the liability of any person that is not described in that subparagraph.

(C) VIOLATION OF A PERMIT PRIOR TO TERMINATION.—Notwithstanding subparagraph (A), if a Good Samaritan or cooperating person violates the terms of a Good Samaritan permit and that violation results in surface water quality or other environmental conditions that are measurably worse than baseline conditions at the abandoned mine site, the Administrator shall—

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

(ii) require the Good Samaritan or the cooperating person, as applicable, to undertake reasonable measures, as determined by the Administrator, to return surface water quality or other environmental conditions to the condition that existed prior to the violation.

(4) MINOR OR CORRECTED PERMIT VIOLATIONS.—For purposes of this subsection, failure to comply with any term, condition, or limitation of a Good Samaritan permit or investigative sampling
permit shall not be considered a permit violation or noncompliance if—

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

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

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

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

(1) section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603);
(2) section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11004);

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

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

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

(p) GRANT ELIGIBILITY.—A remediation project conducted under a Good Samaritan permit shall be eligible for funding pursuant to—

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

(2) section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)).

(q) EMERGENCY AUTHORITY AND LIABILITY.—

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

(A) the Administrator to take any responsive action authorized by law; or

(B) a Federal, State, Tribal, or local agency to carry out any emergency authority, in-
including an emergency authority provided under Federal, State, Tribal, or local law.

(2) LIABILITY.—Except as specifically provided in this Act, nothing in this Act, a Good Samaritan permit, or an investigative sampling permit limits the liability of any person (including a Good Samaritan or any cooperating person) under any provision of law.

(r) TERMINATION OF AUTHORITY.—

(1) TERMINATION.—

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

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Administrator may grant a Good Samaritan permit pursuant to this Act after the date identified in subparagraph (A) if the application for the Good Samaritan permit—

(i) was submitted not later than 180 days before that date; and
(ii) was completed in accordance with subsection (e)(1) by not later than 7 years after the date of enactment of this Act.

(2) Effect on certain permits.—Any Good Samaritan permit granted by the deadline prescribed in subparagraph (A) or (B) of paragraph (1), as applicable, that is in effect on the date that is 7 years after the date of enactment of this Act shall remain in effect after that date in accordance with—

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

(B) this Act.

(3) Termination of permit.—

(A) In general.—A Good Samaritan permit shall terminate, as applicable—

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

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

(iii) except as provided in subparagraph (B)—
(I) on the date that is 18 months after the date on which the Administrator granted the Good Samaritan permit, if the permitted work has not commenced by that date; or

(II) if the grant of the Good Samaritan permit was the subject of a petition for judicial review, on the date that is 18 months after the date on which the judicial review, including any appeals, has concluded, if the permitted work has not commenced by that date.

(B) EXTENSION.—

(i) IN GENERAL.—If the Administrator is otherwise required to terminate a Good Samaritan permit under subparagraph (A)(iii), the Administrator may grant an extension of the Good Samaritan permit.

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

(4) UNFORESEEN CIRCUMSTANCES.—
(A) IN GENERAL.—The recipient of a Good Samaritan permit or investigative sampling permit may seek to modify or terminate the Good Samaritan permit or investigative sampling permit to take into account any event or condition that—

(i) significantly reduces the feasibility or significantly increases the cost of completing the remediation project that is the subject of the Good Samaritan permit or investigative sampling permit;

(ii) was not—

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

(II) taken into account in the remediation plan of the recipient of the permit; and

(iii) is beyond the control of the recipient of the permit, as determined by the Administrator.

(B) TERMINATION.—

(i) IN GENERAL.—The Administrator shall terminate a Good Samaritan permit or investigative sampling permit if—
(I) the recipient of the permit seeks termination of the permit under subparagraph (A);  

(II) the factors described in subparagraph (A) are satisfied; and  

(III) the Administrator determines that remediation activities conducted by the Good Samaritan or person pursuant to the Good Samaritan permit or investigative sampling permit, respectively, may result in surface water quality conditions, or any other environmental conditions, that will be worse than the baseline conditions, as described in subsection (c)(6), as applicable.

(ii) Effect of termination.—Notwithstanding the termination of a Good Samaritan permit or an investigative sampling permit under clause (i), the provisions of paragraphs (1) through (4) of subsection (n) shall continue to apply to the Good Samaritan, the recipient of an investigative sampling permit, and any cooperating persons after the termination, includ-
ing to any long-term operations and main-
tenance pursuant to the agreement under
paragraph (5).

(5) Long-term Operations and Maintenance.—In the case of a project that involves long-
term operations and maintenance at an abandoned
mine site located on land owned by the United
States, the project may be considered complete and
the Administrator may terminate the Good Samari-
tan permit under this subsection if the applicable
Good Samaritan has entered into an agreement with
the applicable Federal land management agency or
a cooperating person for the long-term operations
and maintenance that includes sufficient funding for
the long-term operations and maintenance.

(s) Regulations.—

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

(A) requirements for remediation plans de-
scribed in subsection (c); and
(B) any other requirement that the Administrator determines to be necessary to carry out this Act.

(2) Specific requirements before promulgation of regulations.—Before the date on which the Administrator promulgates regulations under paragraph (1), the Administrator may estab-

lish, on a case-by-case basis, specific requirements that the Administrator determines would facilitate the implementation of this subsection with respect to a Good Samaritan permitting program.

SEC. 5. SPECIAL ACCOUNTS.

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

(1) each Federal land management agency that authorizes a Good Samaritan to conduct a project on Federal land under the jurisdiction of that Federal land management agency under a Good Samaritan permit; and

(2) the Environmental Protection Agency.

(b) Deposits.—Each Fund shall consist of—

(1) amounts provided in appropriation Acts;
(2) any proceeds from reprocessing deposited under section 4(f)(5)(B)(iv);

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

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

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

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

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

(c) Unused Funds.—Amounts in each Fund not currently needed to carry out this Act shall be—

(1) maintained as readily available or on deposit;

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

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

(d) Retain and Use Authority.—The Administrator and each head of a Federal land management agen-
Sec. 5. Money Deposited in Applicable Fund. — (a) In General. — As appropriate, may, notwithstanding any other provision of law, retain and use money deposited in the applicable Fund without fiscal year limitation for the purpose of carrying out this Act.

Sec. 6. Report to Congress. —

(a) In General. — Not later than 8 years after the date of enactment of this Act, the Administrator, in consultation with the heads of Federal land management agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Natural Resources of the House of Representatives a report evaluating the Good Samaritan pilot program under this Act.

(b) Inclusions. — The report under subsection (a) shall include—

(1) a description of—

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

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

(2) qualitative and quantitative data on the results achieved under the Good Samaritan permits 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.