

118TH CONGRESS
2D SESSION

S. 2781

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ABANDONED HARDROCK MINE SITE.—

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

12 (i) that was used for the production of
13 a mineral other than coal conducted on
14 Federal land under sections 2319 through
15 2352 of the Revised Statutes (commonly
16 known as the “Mining Law of 1872”; 30
17 U.S.C. 22 et seq.) or on non-Federal land;
18 and

19 (ii) for which, based on information
20 supplied by the Good Samaritan after re-
21 view of publicly available data and after re-
22 view of other information in the possession
23 of the Administrator, the Administrator or,
24 in the case of a site on land owned by the
25 United States, the Federal land manage-
26 ment agency, determines that no respon-

1 sible owner or operator has been identi-
2 fied—

3 (I) who is potentially liable for,
4 or has been required to perform or
5 pay for, environmental remediation
6 activities under applicable law; and

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

18 (B) INCLUSION.—The term “abandoned
19 hardrock mine site” includes a hardrock mine
20 site (including associated facilities) that was
21 previously the subject of a completed response
22 action under the Comprehensive Environmental
23 Response, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9601 et seq.) or a similar
25 Federal and State reclamation or cleanup pro-

1 gram, including the remediation of mine-scarred
2 land under the brownfields revitalization pro-
3 gram under section 104(k) of that Act (42
4 U.S.C. 9604(k)).

5 (C) EXCLUSIONS.—The term “abandoned
6 hardrock mine site” does not include a mine
7 site (including associated facilities)—

8 (i) in a temporary shutdown or ces-
9 sation;

10 (ii) included on the National Priorities
11 List developed by the President in accord-
12 ance with section 105(a)(8)(B) of the
13 Comprehensive Environmental Response,
14 Compensation, and Liability Act of 1980
15 (42 U.S.C. 9605(a)(8)(B)) or proposed for
16 inclusion on that list;

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

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

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

3 (2) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (3) APPLICABLE WATER QUALITY STAND-
7 ARDS.—The term “applicable water quality stand-
8 ards” means the water quality standards promul-
9 gated by the Administrator or adopted by a State or
10 Indian tribe and approved by the Administrator pur-
11 suant to the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.).

13 (4) BASELINE CONDITIONS.—The term “base-
14 line conditions” means the concentrations, locations,
15 and releases of any hazardous substances, pollut-
16 ants, or contaminants, as described in the Good Sa-
17 maritan permit, present at an abandoned hardrock
18 mine site prior to undertaking any action under this
19 Act.

20 (5) COOPERATING PERSON.—

21 (A) IN GENERAL.—The term “cooperating
22 person” means any person that is named by the
23 Good Samaritan in the permit application as a
24 cooperating entity.

1 (B) EXCLUSIONS.—The term “cooperating
2 person” does not include—

3 (i) a responsible owner or operator
4 with respect to the abandoned hardrock
5 mine site described in the permit applica-
6 tion;

7 (ii) a person that had a role in the
8 creation of historic mine residue at the
9 abandoned hardrock mine site described in
10 the permit application; or

11 (iii) a Federal agency.

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

14 (A) a Good Samaritan permit; and

15 (B) an investigative sampling permit.

16 (7) 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 (8) 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 hardrock mine site
4 at which the historic mine residue is lo-
5 cated; or

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

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

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

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

17 (10) HISTORIC MINE RESIDUE.—

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

22 (B) INCLUSIONS.—The term “historic
23 mine residue” includes—

- 1 (i) previously mined ores and minerals
2 other than coal that contribute to acid
3 mine drainage or other pollution;
- 4 (ii) equipment (including materials in
5 equipment);
- 6 (iii) any tailings facilities, heap leach
7 piles, dump leach piles, waste rock, over-
8 burden, slag piles, or other waste or mate-
9 rial resulting from any extraction,
10 beneficiation, or other processing activity
11 that occurred during the active operation
12 of an abandoned hardrock mine site;
- 13 (iv) any acidic or otherwise polluted
14 flow in surface water or groundwater that
15 originates from, or is pooled and contained
16 in, an inactive or abandoned hardrock
17 mine site, such as underground workings,
18 open pits, in-situ leaching operations,
19 ponds, or impoundments;
- 20 (v) any hazardous substance (as de-
21 fined in section 101 of the Comprehensive
22 Environmental Response, Compensation,
23 and Liability Act of 1980 (42 U.S.C.
24 9601));

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

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

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

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

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

16 (12) INVESTIGATIVE SAMPLING PERMIT.—The
17 term “investigative sampling permit” means a per-
18 mit granted by the Administrator under section
19 4(d)(1).

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

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

1 (B) section 101(21) of the Comprehensive
2 Environmental Response, Compensation, and
3 Liability Act of 1980 (42 U.S.C. 9601(21)).

4 (14) REMEDIATION.—

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

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

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

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

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

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

8 (16) 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 hardrock 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 hardrock mine site under section
23 104, 106, 107, or 113 of the Comprehensive
24 Environmental Response, Compensation, and

1 Liability Act of 1980 (42 U.S.C. 9604, 9606,
2 9607, 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) except as provided in section 4(n), reduces
9 any existing liability under Federal, State, or local
10 law;

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

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

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

1 (5) relieves the United States or any Federal
2 land management agency from any liability under
3 section 107 of the Comprehensive Environmental
4 Response, Compensation, and Liability Act of 1980
5 (42 U.S.C. 9607) or section 301 of the Federal
6 Water Pollution Control Act (33 U.S.C. 1311) that
7 exists apart from any action undertaken pursuant to
8 this Act.

9 **SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARI-**
10 **TAN PILOT PROJECT AUTHORIZATION.**

11 (a) ESTABLISHMENT.—

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

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

1 (3) SUNSET.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the pilot program described
4 in paragraph (1) shall terminate on the date
5 that is 7 years after the date of enactment of
6 this Act.

7 (B) EXCEPTION.—Notwithstanding sub-
8 paragraph (A), the Administrator may grant a
9 Good Samaritan permit pursuant to this Act
10 after the date identified in subparagraph (A) if
11 the application for the Good Samaritan per-
12 mit—

13 (i) was submitted not later than 180
14 days before that date; and

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

18 (C) EFFECT ON CERTAIN PERMITS.—Any
19 Good Samaritan permit granted by the deadline
20 prescribed in subparagraph (A) or (B), as ap-
21 plicable, that is in effect on the date that is 7
22 years after the date of enactment of this Act
23 shall remain in effect after that date in accord-
24 ance with—

1 (i) the terms and conditions of the
2 Good Samaritan permit; and

3 (ii) this Act.

4 (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

5 (1) IN GENERAL.—To be eligible to receive a
6 Good Samaritan permit to carry out a project to re-
7 mediate an abandoned hardrock mine site, a person
8 shall demonstrate that, as determined by the Admin-
9 istrator—

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

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

16 (C) the proposed activities are designed to
17 result in the partial or complete remediation of
18 historic mine residue at the abandoned
19 hardrock mine site within the term of the Good
20 Samaritan permit;

21 (D) the proposed project poses a low risk
22 to the environment, as determined by the Ad-
23 ministrator;

24 (E) to the satisfaction of the Adminis-
25 trator, the person—

1 (i) possesses, or has the ability to se-
2 cure, the financial and other resources nec-
3 essary—

4 (I) to complete the permitted
5 work, as determined by the Adminis-
6 trator; and

7 (II) to address any contingencies
8 identified in the Good Samaritan per-
9 mit application described in subsection
10 (c);

11 (ii) possesses the proper and appro-
12 priate experience and capacity to complete
13 the permitted work; and

14 (iii) will complete the permitted work;
15 and

16 (F) the person is a Good Samaritan with
17 respect to the historic mine residue proposed to
18 be covered by the Good Samaritan permit.

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

21 (A) IN GENERAL.—A Good Samaritan
22 shall make reasonable and diligent efforts to
23 identify, from a review of publicly available in-
24 formation in land records or on internet
25 websites of Federal, State, and local regulatory

1 authorities, all responsible owners or operators
2 of an abandoned hardrock mine site proposed to
3 be remediated by the Good Samaritan under
4 this section.

5 (B) EXISTING RESPONSIBLE OWNER OR
6 OPERATOR.—If the Administrator determines,
7 based on information provided by a Good Sa-
8 maritan or otherwise, that a responsible owner
9 or operator exists for an abandoned hardrock
10 mine site proposed to be remediated by the
11 Good Samaritan, the Administrator shall deny
12 the application for a Good Samaritan permit.

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

19 (1) a description of the abandoned hardrock
20 mine site (including the boundaries of the aban-
21 doned hardrock mine site) proposed to be covered by
22 the Good Samaritan permit;

23 (2) a description of all parties proposed to be
24 involved in the remediation project, including any co-
25 operating person and each member of an applicable

1 corporation, association, partnership, consortium,
2 joint venture, commercial entity, or nonprofit asso-
3 ciation;

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

8 (4) a detailed description of the historic mine
9 residue to be remediated;

10 (5) a detailed description of the expertise and
11 experience of the person and the resources available
12 to the person to successfully implement and com-
13 plete the remediation plan under paragraph (7);

14 (6) to the satisfaction of the Administrator and
15 subject to subsection (d), a description of the base-
16 line conditions caused by the historic mine residue to
17 be remediated that includes—

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

23 (B) the flow rate and concentration of any
24 drainage of historic mine residue or other dis-
25 charge from the abandoned hardrock mine site

1 in any body of water that has resulted in an ad-
2 verse impact described in subparagraph (A);
3 and

4 (C) any other release or threat of release
5 of historic mine residue that has resulted in an
6 adverse impact to human health or the environ-
7 ment;

8 (7) subject to subsection (d), a remediation
9 plan for the abandoned hardrock mine site that de-
10 scribes—

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

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

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

18 (I) the reduction or prevention of
19 a release, threat of release, or dis-
20 charge to surface waters; or

21 (II) other appropriate goals relat-
22 ing to water or soil;

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

25 (i) designed to—

1 (I) improve or enhance water
2 quality or site-specific soil or sediment
3 quality relevant to the historic mine
4 residue addressed by the remediation
5 plan, including making measurable
6 progress toward achieving applicable
7 water quality standards; or

8 (II) otherwise protect human
9 health and the environment (including
10 through the prevention of a release,
11 discharge, or threat of release to
12 water, sediment, or soil); and

13 (ii) otherwise necessary to carry out
14 an activity described in subclause (I) or
15 (II) of clause (i);

16 (C) a plan describing the monitoring or
17 other forms of assessment that will be under-
18 taken by the person to evaluate the success of
19 the activities described in subparagraph (A)
20 during and after the remediation, with respect
21 to the baseline conditions, as described in para-
22 graph (6);

23 (D) to the satisfaction of the Adminis-
24 trator, detailed engineering plans for the
25 project;

1 (E) detailed plans for any proposed recycling or reprocessing of historic mine residue to
2 be conducted by the person (including a description of how all proposed recycling or re-
3 processing activities contribute to the remediation of the abandoned hardrock mine site);
4 and
5

6 (F) identification of any proposed contractor that will perform any remediation activity;
7
8

9 (8) subject to subsection (d), a schedule for the work to be carried out under the project, including
10 a schedule for periodic reporting by the person on the remediation of the abandoned hardrock mine
11 site;
12

13 (9) a health and safety plan that is specifically designed for mining remediation work;
14

15 (10) a specific contingency plan that—

16 (A) includes provisions on response and notification to Federal, State, Tribal, and local
17 authorities with jurisdiction over downstream waters that have the potential to be impacted
18 by an unplanned release or discharge of hazardous substances, pollutants, or contaminants;
19
20
21
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23
24
25 and

1 (B) is designed to respond to unplanned
2 adverse events (such as adverse weather events
3 or a potential fluid release that may result from
4 addressing pooled water or hydraulic pressure
5 situations), including the sudden release of his-
6 toric mine residue;

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

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

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

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

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

4 (14) subject to subsection (d), a description of
5 any planned post-remediation monitoring, if nec-
6 essary; and

7 (15) subject to subsection (d), any other appro-
8 priate information, as determined by the Adminis-
9 trator or the applicant.

10 (d) INVESTIGATIVE SAMPLING.—

11 (1) INVESTIGATIVE SAMPLING PERMITS.—The
12 Administrator may grant an investigative sampling
13 permit for a period determined by the Administrator
14 to authorize a Good Samaritan to conduct investiga-
15 tive sampling of historic mine residue, soil, sediment,
16 or water to determine—

17 (A) baseline conditions; and

18 (B) whether the Good Samaritan—

19 (i) is willing to perform further reme-
20 diation to address the historic mine res-
21 idue; and

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

24 (2) NUMBER OF PERMITS.—

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

4 (B) APPLICABILITY TO CONVERTED PER-
5 MITS.—An investigative sampling permit that is
6 not converted to a Good Samaritan permit pur-
7 suant to paragraph (5) may be eligible for
8 reissuance by the Administrator subject to the
9 overall total of not more than 15 investigative
10 sampling permits allowed at any 1 time de-
11 scribed in subparagraph (A).

12 (3) APPLICATION.—If a Good Samaritan pro-
13 poses to conduct investigative sampling, the Good
14 Samaritan shall submit to the Administrator an in-
15 vestigative sampling permit application that con-
16 tains, to the satisfaction of the Administrator—

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

19 (B) to the extent reasonably known to the
20 applicant, any previously documented water
21 quality data describing conditions at the aban-
22 doned hardrock mine site;

23 (C) the evidence required under subsection
24 (c)(3);

1 (D) each plan required under paragraphs
2 (9) and (10) of subsection (c); and

3 (E) a detailed plan of the investigative
4 sampling.

5 (4) REQUIREMENTS.—

6 (A) IN GENERAL.—If a person submits an
7 application that proposes only investigative
8 sampling of historic mine residue, soil, sedi-
9 ment, or water that only includes the require-
10 ments described in paragraph (1), the Adminis-
11 trator may grant an investigative sampling per-
12 mit that authorizes the person only to carry out
13 the plan of investigative sampling of historic
14 mine residue, soil, sediment, or water, as de-
15 scribed in the investigative sampling permit ap-
16 plication under paragraph (3).

17 (B) REPROCESSING.—An investigative
18 sampling permit—

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

22 (ii) may authorize metallurgical test-
23 ing of historic mine residue to determine
24 whether reprocessing under subsection
25 (f)(4)(B) is feasible.

1 (C) REQUIREMENTS RELATING TO SAM-
2 PLES.—In conducting investigative sampling of
3 historic mine residue, soil, sediment, or water,
4 a Good Samaritan shall—

5 (i) collect samples that are representa-
6 tive of the conditions present at the aban-
7 doned hardrock mine site that is the sub-
8 ject of the investigative sampling permit;
9 and

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

13 (5) PERMIT CONVERSION.—Not later than 1
14 year after the date on which the investigative sam-
15 pling under the investigative sampling permit con-
16 cludes, a Good Samaritan to whom an investigative
17 sampling permit is granted under paragraph (1)
18 may apply to convert an investigative sampling per-
19 mit into a Good Samaritan permit under subsection
20 (e)(1).

21 (6) PERMIT NOT CONVERTED.—

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

1 (i) to apply to convert the investiga-
2 tive sampling permit into a Good Samari-
3 tan permit under paragraph (5); and

4 (ii) to undertake remediation activities
5 on the site where investigative sampling
6 was conducted on conclusion of investiga-
7 tive sampling.

8 (B) EFFECT OF LACK OF CONVERSION.—

9 (i) IN GENERAL.—Notwithstanding a
10 refusal by a Good Samaritan to convert an
11 investigative sampling permit into a Good
12 Samaritan permit under subparagraph (A),
13 but subject to clause (ii), the provisions of
14 paragraphs (1) through (4) of subsection
15 (n) shall continue to apply to the Good Sa-
16 maritan and any cooperating persons after
17 the refusal to convert.

18 (ii) DEGRADATION OF SURFACE
19 WATER QUALITY.—

20 (I) OPPORTUNITY TO COR-
21 RECT.—If, before the date on which a
22 Good Samaritan refuses to convert an
23 investigative sampling permit under
24 subparagraph (A), actions by the
25 Good Samaritan or any cooperating

1 person have caused conditions at the
2 abandoned hardrock mine site to be
3 measurably worse, as determined by
4 the Administrator, when compared to
5 conditions described pursuant to para-
6 graph (3)(B), if applicable, the Ad-
7 ministrator shall provide the Good Sa-
8 maritan or cooperating person, as ap-
9 plicable, the opportunity to return the
10 conditions at the abandoned hardrock
11 mine site to those conditions.

12 (II) EFFECT.—If, pursuant to
13 subclause (I), the applicable Good Sa-
14 maritan or cooperating person does
15 not return the surface water quality
16 at the abandoned hardrock mine site
17 to conditions described pursuant to
18 paragraph (3)(B), if applicable, as de-
19 termined by the Administrator, clause
20 (i) shall not apply to the Good Samar-
21 itan or any cooperating persons.

22 (e) INVESTIGATIVE SAMPLING CONVERSION.—

23 (1) IN GENERAL.—A person to which an inves-
24 tigative sampling permit was granted may submit to
25 the Administrator an application in accordance with

1 paragraph (2) to convert the investigative sampling
2 permit into a Good Samaritan permit.

3 (2) APPLICATION.—

4 (A) INVESTIGATIVE SAMPLING.—An appli-
5 cation for the conversion of an investigative
6 sampling permit under paragraph (1) shall in-
7 clude any requirement described in subsection
8 (c) that was not included in full in the applica-
9 tion submitted under subsection (d)(3).

10 (B) PUBLIC NOTICE AND COMMENT.—An
11 application for permit conversion under this
12 paragraph shall be subject to—

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

16 (ii) a public hearing, if requested.

17 (f) CONTENT OF PERMITS.—

18 (1) IN GENERAL.—A Good Samaritan permit
19 shall contain—

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

23 (B)(i) a provision that states that the
24 Good Samaritan is responsible for securing, for
25 all activities authorized under the Good Samari-

1 tan permit, all authorizations, licenses, and per-
2 mits that are required under applicable law ex-
3 cept for—

4 (I) section 301, 302, 306, 307, 402,
5 or 404 of the Federal Water Pollution
6 Control Act (33 U.S.C. 1311, 1312, 1316,
7 1317, 1342, 1344); and

8 (II) authorizations, licenses, and per-
9 mits that would not need to be obtained if
10 the remediation was conducted pursuant to
11 section 121 of the Comprehensive Environ-
12 mental Response, Compensation, and Li-
13 ability Act of 1980 (42 U.S.C. 9621); or

14 (ii) in the case of an abandoned hardrock
15 mine site in a State that is authorized to imple-
16 ment State law pursuant to section 402 or 404
17 of the Federal Water Pollution Control Act (33
18 U.S.C. 1342, 1344) or on land of an Indian
19 tribe that is authorized to implement Tribal law
20 pursuant to that section, a provision that states
21 that the Good Samaritan is responsible for se-
22 curing, for all activities authorized under the
23 Good Samaritan permit, all authorizations, li-
24 censes, and permits that are required under ap-
25 plicable law, except for—

1 (I) the State or Tribal law, as applica-
2 ble; and

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

9 (C) specific public notification require-
10 ments, including the contact information for all
11 appropriate response centers in accordance with
12 subsection (o);

13 (D) in the case of a project on land owned
14 by the United States, a notice that the Good
15 Samaritan permit serves as an agreement for
16 use and occupancy of Federal land that is en-
17 forceable by the applicable Federal land man-
18 agement agency; and

19 (E) any other terms and conditions deter-
20 mined to be appropriate by the Administrator
21 or the Federal land management agency, as ap-
22 plicable.

23 (2) FORCE MAJEURE.—A Good Samaritan per-
24 mit may include, at the request of the Good Samari-
25 tan, a provision that a Good Samaritan may assert

1 a claim of force majeure for any violation of the
2 Good Samaritan permit caused solely by—

3 (A) an act of God;

4 (B) an act of war;

5 (C) negligence on the part of the United
6 States;

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

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

13 (ii) took precautions against foresee-
14 able acts or omissions of the third party,
15 as determined by the Administrator; and

16 (iii) uses reasonable efforts—

17 (I) to anticipate any potential
18 force majeure; and

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

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

24 (3) MONITORING.—

1 (A) IN GENERAL.—The Good Samaritan
2 shall take such actions as the Good Samaritan
3 permit requires to ensure appropriate baseline
4 conditions monitoring, monitoring during the
5 remediation project, and post-remediation moni-
6 toring of the environment under paragraphs (7)
7 and (14) of subsection (c).

8 (B) MULTIPARTY MONITORING.—The Ad-
9 ministrator may approve in a Good Samaritan
10 permit the monitoring by multiple cooperating
11 persons if, as determined by the Adminis-
12 trator—

13 (i) the multiparty monitoring will ef-
14 fectively accomplish the goals of this sec-
15 tion; and

16 (ii) the Good Samaritan remains re-
17 sponsible for compliance with the terms of
18 the Good Samaritan permit.

19 (4) 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 the purpose of carrying out this Act;

22 (iv) any remaining proceeds are de-
23 posited into the appropriate Good Samari-
24 tan Mine Remediation Fund established by
25 section 5(a); and

1 (v) the materials only include historic
2 mine residue.

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 (subject to subsection (r)(5) in the case of a project
15 located on Federal land) allow the Good Samaritan to re-
16 turn to the abandoned hardrock mine site after the com-
17 pletion of the remediation to perform operations and
18 maintenance or other work—

19 (1) to ensure the functionality of completed re-
20 mediation activities at the abandoned hardrock mine
21 site; or

22 (2) to protect public health and the environ-
23 ment.

24 (h) TIMING.—Work authorized under a Good Samar-
25 itan permit—

1 (1) shall commence, as applicable—

2 (A) not later than the date that is 18
3 months after the date on which the Adminis-
4 trator granted the Good Samaritan permit, un-
5 less the Administrator grants an extension
6 under subsection (r)(2)(A); or

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

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

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

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

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

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

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

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

7 (1) the Administrator shall—

8 (A) consult with prospective applicants;

9 (B) convene, coordinate, and lead the ap-
10 plication review process;

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

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

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

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

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

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

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

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

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

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

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

15 As soon as practicable, but not later than 14 days after
16 the date on which the Administrator receives an applica-
17 tion for the remediation of an abandoned hardrock mine
18 site under this section that, as determined by the Adminis-
19 trator, is complete and meets all applicable requirements
20 of subsection (c), the Administrator shall provide notice
21 and a copy of the application to—

22 (1) each local government with jurisdiction over
23 a drinking water utility, and each Indian tribe with
24 reservation or off-reservation treaty rights to land or
25 water, located downstream from or otherwise near a

1 proposed remediation project that is reasonably an-
2 ticipated to be impacted by the remediation project
3 or a potential release of contaminants from the
4 abandoned hardrock mine site, as determined by the
5 Administrator;

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

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

12 (I) ENVIRONMENTAL REVIEW AND PUBLIC COM-
13 MENT.—

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

20 (2) RELATION TO NEPA.—

21 (A) MAJOR FEDERAL ACTION.—Subject to
22 subparagraph (F), the issuance or modification
23 of a Good Samaritan permit by the Adminis-
24 trator shall be considered a major Federal ac-
25 tion for purposes of section 102 of the National

1 Environmental Policy Act of 1969 (42 U.S.C.
2 4332).

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

7 (i) in the case of a proposed project
8 on land owned by the United States that
9 is managed by only 1 Federal land man-
10 agement agency, the applicable Federal
11 land management agency;

12 (ii) in the case of a proposed project
13 entirely on State, Tribal, or private land,
14 the Administrator;

15 (iii) in the case of a proposed project
16 partially on land owned by the United
17 States and partially on State, Tribal, or
18 private land, the applicable Federal land
19 management agency; and

20 (iv) in the case of a proposed project
21 on land owned by the United States that
22 is managed by more than 1 Federal land
23 management agency, the Federal land
24 management agency selected by the Ad-
25 ministrator to be the lead agency, after

1 consultation with the applicable Federal
2 land management agencies.

3 (C) COORDINATION.—To the maximum ex-
4 tent practicable, the lead agency described in
5 subparagraph (B) shall coordinate procedures
6 under the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) with State, Trib-
8 al, and Federal cooperating agencies, as appli-
9 cable.

10 (D) COOPERATING AGENCY.—In the case
11 of a proposed project on land owned by the
12 United States, the Administrator shall be a co-
13 operating agency for purposes of an environ-
14 mental assessment and public comment under
15 this subsection.

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

19 (i) the issuance of a Good Samaritan
20 permit;

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

23 (iii) any applicable permits required
24 by the Secretary of the Interior or the Sec-
25 retary of Agriculture.

1 (F) NO SIGNIFICANT IMPACT.—

2 (i) IN GENERAL.—A Good Samaritan
3 permit may only be issued if, after an envi-
4 ronmental assessment, the head of the lead
5 agency issues a finding of no significant
6 impact (as defined in section 111 of the
7 National Environmental Policy Act of
8 1969 (42 U.S.C. 4336e)).

9 (ii) SIGNIFICANT IMPACT.—If the
10 head of the lead agency is unable to issue
11 a finding of no significant impact (as so
12 defined), the head of the lead agency shall
13 not issue a Good Samaritan permit for the
14 proposed project.

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

19 (i) the Administrator; and

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

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

1 the Secretary of the Interior, as applicable,
2 from any other requirements of section 102 of
3 the National Environmental Policy Act of 1969
4 (42 U.S.C. 4332).

5 (m) PERMIT GRANT.—

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

10 (A) the Administrator determines that—

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

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

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

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

1 (v) the proposed activities, as com-
2 pared to the baseline conditions described
3 in the permit, will make measurable
4 progress toward achieving—

5 (I) applicable water quality
6 standards;

7 (II) improved soil quality;

8 (III) improved sediment quality;

9 (IV) other improved environ-
10 mental or safety conditions; or

11 (V) reductions in threats to soil,
12 sediment, or water quality or other
13 environmental or safety conditions;

14 (vi) the applicant has—

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

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

21 (III) the financial and other re-
22 sources to address any contingencies
23 identified in the Good Samaritan per-
24 mit application described in sub-
25 sections (b) and (c);

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

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

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

18 (bb) the applicant has estab-
19 lished a third-party financial as-
20 surance mechanism, such as a
21 corporate guarantee from a par-
22 ent or other corporate affiliate,
23 letter of credit, trust, surety
24 bond, or insurance to assure that
25 funds are available to complete

1 the permitted work, including for
2 operations and maintenance and
3 to address potential contin-
4 gencies, that—

5 (AA) establishes the
6 Administrator or the head of
7 the Federal land manage-
8 ment agency as the bene-
9 ficiary of the third-party fi-
10 nancial assurance mecha-
11 nism; and

12 (BB) allows the Admin-
13 istrator to retain and use
14 the funds from the financial
15 assurance mechanism in the
16 event the Good Samaritan
17 does not complete the reme-
18 diation under the Good Sa-
19 maritan permit; and

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

22 (B) the State or Indian tribe with jurisdic-
23 tion over land on which the abandoned
24 hardrock mine site is located has been given an
25 opportunity to review and, if necessary, com-

1 ment on the grant of the Good Samaritan per-
2 mit;

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

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

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

16 (ii) a public hearing under that sub-
17 section, if requested.

18 (2) DEADLINE.—

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

22 (i) the date that is 180 days after the
23 date of receipt by the Administrator of an
24 application for the Good Samaritan permit
25 that, as determined by the Administrator,

1 is complete and meets all applicable re-
2 quirements of subsection (c); or

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

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

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

16 (n) EFFECT OF PERMITS.—

17 (1) IN GENERAL.—A Good Samaritan and any
18 cooperating person undertaking remediation activi-
19 ties identified in, carried out pursuant to, and in
20 compliance with, a covered permit—

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

1 or Indian tribe under section 402 or 404 of
2 that Act (33 U.S.C. 1342, 1344)) and the Com-
3 prehensive Environmental Response, Compensa-
4 tion, and Liability Act of 1980 (42 U.S.C. 9601
5 et seq.) during the term of the covered permit,
6 after the termination of the Good Samaritan
7 permit, and after declining to convert an inves-
8 tigative sampling permit into a Good Samaritan
9 permit, as applicable;

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

22 (C) shall not be required to obtain any au-
23 thorizations, licenses, or permits that would
24 otherwise not need to be obtained if the remedi-
25 ation was conducted pursuant to section 121 of

1 the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980 (42
3 U.S.C. 9621).

4 (2) UNAUTHORIZED ACTIVITIES.—

5 (A) IN GENERAL.—Any person (including
6 a Good Samaritan or any cooperating person)
7 that carries out any activity, including activities
8 relating to mineral exploration, processing,
9 beneficiation, or mining, including development,
10 that is not authorized by the applicable covered
11 permit shall be subject to all applicable law.

12 (B) LIABILITY.—Any activity not author-
13 ized by a covered permit, as determined by the
14 Administrator, may be subject to liability and
15 enforcement under all applicable law, includ-
16 ing—

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

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

22 (3) NO ENFORCEMENT OR LIABILITY FOR GOOD
23 SAMARITANS.—

24 (A) IN GENERAL.—Subject to subpara-
25 graphs (D) and (E), a Good Samaritan or co-

1 operating person that is conducting a remedi-
2 ation activity identified in, pursuant to, and in
3 compliance with a covered permit shall not be
4 subject to enforcement or liability described in
5 subparagraph (B) for—

6 (i) any actions undertaken that are
7 authorized by the covered permit; or

8 (ii) any past, present, or future re-
9 leases, threats of releases, or discharges of
10 hazardous substances, pollutants, or con-
11 taminants at or from the abandoned
12 hardrock mine site that is the subject of
13 the covered permit (including any releases,
14 threats of releases, or discharges that oc-
15 curred prior to the grant of the covered
16 permit).

17 (B) ENFORCEMENT OR LIABILITY DE-
18 SCRIBED.—Enforcement or liability referred to
19 in subparagraph (A) is enforcement, civil or
20 criminal penalties, citizen suits and any liabil-
21 ities for response costs, natural resource dam-
22 age, or contribution under—

23 (i) the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1251 et seq.) (includ-
25 ing under any law or regulation adminis-

1 tered by a State or Indian tribe under that
2 Act); or

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

6 (C) DURATION OF APPLICABILITY.—Sub-
7 paragraph (A) shall apply during the term of
8 the covered permit, after the termination of the
9 Good Samaritan permit, and after declining to
10 convert an investigative sampling permit into a
11 Good Samaritan permit, as applicable.

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

15 (E) DECLINE IN ENVIRONMENTAL CONDI-
16 TIONS.—Notwithstanding subparagraph (A), if
17 a Good Samaritan or cooperating person fails
18 to comply with any term, condition, or limita-
19 tion of a covered permit and that failure results
20 in surface water quality or other environmental
21 conditions that the Administrator determines
22 are measurably worse than the baseline condi-
23 tions as described in the permit (in the case of
24 a Good Samaritan permit) or the conditions as
25 described pursuant to subsection (d)(3)(B), if

1 applicable (in the case of an investigative sam-
2 pling permit), at the abandoned hardrock mine
3 site, the Administrator shall—

4 (i) notify the Good Samaritan or co-
5 operating person, as applicable, of the fail-
6 ure to comply; and

7 (ii) require the Good Samaritan or the
8 cooperating person, as applicable, to un-
9 dertake reasonable measures, as deter-
10 mined by the Administrator, to return sur-
11 face water quality or other environmental
12 conditions to those conditions.

13 (F) FAILURE TO CORRECT.—Subpara-
14 graph (A) shall not apply to a Good Samaritan
15 or cooperating person that fails to take any ac-
16 tions required under subparagraph (E)(ii) with-
17 in a reasonable period of time, as established by
18 the Administrator.

19 (G) MINOR OR CORRECTED PERMIT VIOLA-
20 TIONS.—For purposes of this paragraph, the
21 failure to comply with a term, condition, or lim-
22 itation of a Good Samaritan permit or inves-
23 tigative sampling permit shall not be considered
24 a permit violation or noncompliance with that
25 permit if—

1 (i) that failure or noncompliance does
2 not result in a measurable adverse impact,
3 as determined by the Administrator, on
4 water quality or other environmental condi-
5 tions; or

6 (ii) the Good Samaritan or cooper-
7 ating person complies with subparagraph
8 (E)(ii).

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

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

18 (2) section 304 of the Emergency Planning and
19 Community Right-To-Know Act of 1986 (42 U.S.C.
20 11004);

21 (3) the Federal Water Pollution Control Act
22 (33 U.S.C. 1251 et seq.);

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

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

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

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

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

16 (q) EMERGENCY AUTHORITY AND LIABILITY.—

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

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

21 (B) a Federal, State, Tribal, or local agen-
22 cy to carry out any emergency authority, in-
23 cluding an emergency authority provided under
24 Federal, State, Tribal, or local law.

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

7 (r) TERMINATION OF GOOD SAMARITAN PERMIT.—

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

10 (A) on inspection and notice from the Ad-
11 ministrator to the recipient of the Good Samar-
12 itan permit that the permitted work has been
13 completed in accordance with the terms of the
14 Good Samaritan permit, as determined by the
15 Administrator;

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

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

19 (i) on the date that is 18 months after
20 the date on which the Administrator grant-
21 ed the Good Samaritan permit, if the per-
22 mitted work has not commenced by that
23 date; or

24 (ii) if the grant of the Good Samari-
25 tan permit was the subject of a petition for

1 judicial review, on the date that is 18
2 months after the date on which the judicial
3 review, including any appeals, has con-
4 cluded, if the permitted work has not com-
5 menced by that date.

6 (2) EXTENSION.—

7 (A) IN GENERAL.—If the Administrator is
8 otherwise required to terminate a Good Samari-
9 tan permit under paragraph (1)(C), the Admin-
10 istrator may grant an extension of the Good Sa-
11 maritan permit.

12 (B) LIMITATION.—Any extension granted
13 under subparagraph (A) shall be not more than
14 180 days for each extension.

15 (3) EFFECT OF TERMINATION.—

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

1 (B) DEGRADATION OF SURFACE WATER
2 QUALITY.—

3 (i) OPPORTUNITY TO RETURN TO
4 BASELINE CONDITIONS.—If, at the time
5 that 1 or more of the conditions described
6 in paragraph (1) are met but before the
7 Good Samaritan permit is terminated, ac-
8 tions by the Good Samaritan or cooper-
9 ating person have caused surface water
10 quality at the abandoned hardrock mine
11 site to be measurably worse, as determined
12 by the Administrator, when compared to
13 baseline conditions described in the permit,
14 the Administrator shall, before terminating
15 the Good Samaritan permit, provide the
16 Good Samaritan or cooperating person, as
17 applicable, the opportunity to return sur-
18 face water quality to those baseline condi-
19 tions.

20 (ii) EFFECT.—If, pursuant to clause
21 (i), the applicable Good Samaritan or co-
22 operating person does not return the sur-
23 face water quality at the abandoned
24 hardrock mine site to the baseline condi-
25 tions described in the permit, as deter-

1 mined by the Administrator, subparagraph
2 (A) shall not apply to the Good Samaritan
3 or any cooperating persons.

4 (4) UNFORESEEN CIRCUMSTANCES.—

5 (A) IN GENERAL.—The recipient of a Good
6 Samaritan permit may seek to modify or termi-
7 nate the Good Samaritan permit to take into
8 account any event or condition that—

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

13 (ii) was not—

14 (I) reasonably contemplated by
15 the recipient of the Good Samaritan
16 permit; or

17 (II) taken into account in the re-
18 mediation plan of the recipient of the
19 Good Samaritan permit; and

20 (iii) is beyond the control of the re-
21 cipient of the Good Samaritan permit, as
22 determined by the Administrator.

23 (B) TERMINATION.—The Administrator
24 shall terminate a Good Samaritan permit if—

1 (i) the recipient of the Good Samari-
2 tan permit seeks termination of the permit
3 under subparagraph (A);

4 (ii) the factors described in subpara-
5 graph (A) are satisfied; and

6 (iii) the Administrator determines
7 that remediation activities conducted by
8 the Good Samaritan or cooperating person
9 pursuant to the Good Samaritan permit
10 may result in surface water quality condi-
11 tions, or any other environmental condi-
12 tions, that will be worse than the baseline
13 conditions, as described in the Good Sa-
14 maritan permit, as applicable.

15 (5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-
16 term operations and maintenance at an abandoned
17 hardrock mine site located on land owned by the
18 United States, the project may be considered com-
19 plete and the Administrator, in coordination with the
20 applicable Federal land management agency, may
21 terminate the Good Samaritan permit under this
22 subsection if the applicable Good Samaritan has en-
23 tered into an agreement with the applicable Federal
24 land management agency or a cooperating person
25

1 for the long-term operations and maintenance that
2 includes sufficient funding for the long-term oper-
3 ations and maintenance.

4 (s) REGULATIONS.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the Administrator, in consultation with the Sec-
7 retary of the Interior and the Secretary of Agri-
8 culture, and appropriate State, Tribal, and local offi-
9 cials, may promulgate any regulations that the Ad-
10 ministrator determines to be necessary to carry out
11 this Act.

12 (2) GUIDANCE IF NO REGULATIONS PROMUL-
13 GATED.—

14 (A) IN GENERAL.—If the Administrator
15 does not initiate a regulatory process to promul-
16 gate regulations under paragraph (1) within
17 180 days after the date of enactment of this
18 Act, the Administrator, in consultation with the
19 Secretary of the Interior, the Secretary of Agri-
20 culture, and appropriate State, Tribal, and local
21 officials, shall issue guidance establishing spe-
22 cific requirements that the Administrator deter-
23 mines would facilitate the implementation of
24 this section.

1 (B) PUBLIC COMMENTS.—Before finalizing
2 any guidance issued under subparagraph (A),
3 the Administrator shall hold a 30-day public
4 comment period.

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

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

10 (1) each Federal land management agency that
11 authorizes a Good Samaritan to conduct a project
12 on Federal land under the jurisdiction of that Fed-
13 eral land management agency under a Good Samari-
14 tan permit; and

15 (2) the Environmental Protection Agency.

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

17 (1) amounts provided in appropriation Acts;

18 (2) any proceeds from reprocessing deposited
19 under section 4(f)(4)(B)(iv);

20 (3) any financial assurance funds collected from
21 an agreement described in section
22 4(m)(1)(A)(vi)(V)(bb);

23 (4) any funds collected for long-term operations
24 and maintenance under an agreement under section
25 4(r)(5); and

1 (5) any amounts donated to the Fund by any
2 person.

3 (c) UNUSED FUNDS.—Amounts in each Fund not
4 currently needed to carry out this Act shall be maintained
5 as readily available or on deposit.

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

12 **SEC. 6. REPORT TO CONGRESS.**

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

22 (b) INCLUSIONS.—The report under subsection (a)
23 shall include—

24 (1) a description of—

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

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

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

9 (3) a description of—

10 (A) any problems encountered in admin-
11 istering this Act; and

12 (B) whether the problems have been or can
13 be remedied by administrative action (including
14 amendments to existing law);

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

17 (5) recommendations on whether the Good Sa-
18 maritan pilot program under this Act should be con-
19 tinued, including a description of any modifications

1 (including amendments to existing law) required to
2 continue administering this Act.

Passed the Senate July 31, 2024.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION
S. 2781

AN ACT

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