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S. 2781

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2023

Mr. HEINRICH (for himself, Mr. RISCH, Mr. HICKENLOOPER, Mr. CRAPO, Ms. SINEMA, Mr. DAINES, Mr. LUJÁN, Mr. BARRASSO, Mr. KELLY, Ms. LUMMIS, Mr. TESTER, Mr. THUNE, Ms. CORTEZ MASTO, Mr. CRAMER, Ms. ROSEN, Mr. BOOZMAN, Mr. BENNET, Mr. SULLIVAN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan Reme-
5 diation of Abandoned Hardrock Mines Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ABANDONED MINE SITE.—

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

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

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

23 (I) who is potentially liable for,
24 or has been required to perform or

1 pay for, environmental remediation
2 activities under applicable law; and

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

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

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

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

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

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

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

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

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

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

8 (4) COOPERATING PERSON.—

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

13 (B) EXCLUSIONS.—The term “cooperating
14 person” does not include—

15 (i) a responsible owner or operator
16 with respect to the abandoned mine site
17 described in the permit application; or

18 (ii) a person that had a role in the
19 creation of historic mine residue at the
20 abandoned mine site described in the per-
21 mit application.

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

24 (A) a Good Samaritan permit; and

25 (B) an investigative sampling permit.

1 (6) FEDERAL LAND MANAGEMENT AGENCY.—
2 The term “Federal land management agency”
3 means any Federal agency authorized by law or Ex-
4 ecutive order to exercise jurisdiction, custody, or
5 control over land owned by the United States.

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

10 (A) is not a past or current owner or oper-
11 ator of—

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

14 (ii) a portion of that abandoned mine
15 site;

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

18 (C) is not potentially liable under any Fed-
19 eral, State, Tribal, or local law for the remedi-
20 ation, treatment, or control of the historic mine
21 residue.

22 (8) GOOD SAMARITAN PERMIT.—The term
23 “Good Samaritan permit” means a permit granted
24 by the Administrator under section 4(a)(1).

25 (9) HISTORIC MINE RESIDUE.—

1 (A) IN GENERAL.—The term “historic
2 mine residue” means mine residue or any con-
3 dition at an abandoned mine site resulting from
4 hardrock mining activities.

5 (B) INCLUSIONS.—The term “historic
6 mine residue” includes—

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

10 (ii) equipment (including materials in
11 equipment);

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

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

1 (v) any hazardous substance (as de-
2 fined in section 101 of the Comprehensive
3 Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C.
5 9601));

6 (vi) any pollutant or contaminant (as
7 defined in section 101 of the Comprehen-
8 sive Environmental Response, Compensa-
9 tion, and Liability Act of 1980 (42 U.S.C.
10 9601)); and

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

14 (10) INDIAN TRIBE.—The term “Indian tribe”
15 has the meaning given the term in section 518(h) of
16 the Federal Water Pollution Control Act (33 U.S.C.
17 1377(h)).

18 (11) INVESTIGATIVE SAMPLING PERMIT.—The
19 term “investigative sampling permit” means a per-
20 mit granted by the Administrator under section
21 4(d)(1).

22 (12) PERSON.—The term “person” means any
23 entity described in—

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

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 (13) 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 mine site, or to otherwise protect and improve
12 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 mine site.

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

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

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

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

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

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

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

6 **SEC. 3. SCOPE.**

7 Nothing in this Act—

8 (1) 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 MINE SITE GOOD SAMARITAN PILOT**
10 **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 mine
17 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 mine site, a person shall dem-
8 onstrate that—

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

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

15 (C) the proposed activities are designed to
16 result in the partial, interim, or complete reme-
17 diation of historic mine residue at the aban-
18 doned mine site;

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

21 (E) to the satisfaction of the Adminis-
22 trator, the person—

23 (i) possesses, or has the ability to se-
24 cure, the financial and other resources nec-
25 essary—

1 (I) to complete the permitted
2 work, as determined by the Adminis-
3 trator; and

4 (II) to address any contingencies
5 identified in the Good Samaritan per-
6 mit application described in subsection
7 (c);

8 (ii) possesses the proper and appro-
9 priate experience and capacity to complete
10 the permitted work; and

11 (iii) will complete the permitted work;
12 and

13 (F) the person is a Good Samaritan with
14 respect to the historic mine residue proposed to
15 be covered by the Good Samaritan permit.

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

18 (A) IN GENERAL.—A Good Samaritan
19 shall make reasonable and diligent efforts to
20 identify, from a review of publicly available in-
21 formation in land records or on internet
22 websites of Federal, State, and local regulatory
23 authorities, all responsible owners or operators
24 of an abandoned mine site proposed to be reme-

1 diated by the Good Samaritan under this sec-
2 tion.

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

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

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

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

1 joint venture, commercial entity, or nonprofit asso-
2 ciation;

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

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

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

13 (6) to the satisfaction of the Administrator and
14 subject to subsection (d), a description of the base-
15 line environmental conditions, including potentially
16 affected surface water quality and hydrological con-
17 ditions, affected by the historic mine residue to be
18 remediated that includes—

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

24 (B) the flow rate and concentration of any
25 drainage of historic mine residue or other dis-

1 charge from the abandoned mine site in any
2 body of water that has resulted in an adverse
3 impact described in subparagraph (A); and

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

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

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

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

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

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

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

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

24 (i) to improve or enhance water qual-
25 ity or site-specific soil quality relevant to

1 the historic mine residue addressed by the
2 remediation plan, including making meas-
3 urable progress toward achieving applicable
4 water quality standards; or

5 (ii) to otherwise protect human health
6 and the environment (including through
7 the prevention of a release, discharge, or
8 threat of release to water or soil);

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

15 (D) to the satisfaction of the Adminis-
16 trator, detailed engineering plans for the
17 project;

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

1 (F) identification of any proposed con-
2 tractor that will perform any remediation activ-
3 ity;

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

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

10 (10) a specific contingency plan that—

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

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

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

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

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

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

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

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

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

24 (d) INVESTIGATIVE SAMPLING.—

1 (1) INVESTIGATIVE SAMPLING PERMITS.—The
2 Administrator may grant an investigative sampling
3 permit for a period determined by the Administrator
4 to authorize a Good Samaritan to conduct investiga-
5 tive sampling of historic mine residue, soil, or water
6 to determine—

7 (A) baseline conditions; and

8 (B) whether the Good Samaritan—

9 (i) is willing to perform further reme-
10 diation to address the historic mine res-
11 idue; and

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

14 (2) NUMBER OF PERMITS.—

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

18 (B) APPLICABILITY TO CONVERTED PER-
19 MITS.—An investigative sampling permit that is
20 not converted to a Good Samaritan permit pur-
21 suant to paragraph (6) may be eligible for
22 reissuance by the Administrator subject to the
23 overall total of not more than 15 investigative
24 sampling permits allowed at any 1 time de-
25 scribed in subparagraph (A).

1 (3) APPLICATION.—If a Good Samaritan pro-
2 poses to conduct investigative sampling, the Good
3 Samaritan shall submit to the Administrator an in-
4 vestigative sampling permit application that con-
5 tains, to the satisfaction of the Administrator—

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

8 (B) the evidence required under subsection
9 (c)(3);

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

12 (D) a detailed plan of the investigative
13 sampling.

14 (4) REQUIREMENTS.—

15 (A) IN GENERAL.—If a person submits an
16 application that proposes only investigative
17 sampling of historic mine residue, soil, or water
18 that only includes the requirements described in
19 paragraph (1), the Administrator may only
20 grant an investigative sampling permit that au-
21 thorizes the person only to carry out the plan
22 of investigative sampling of historic mine res-
23 idue, soil, or water, as described in the inves-
24 tigative sampling permit application under
25 paragraph (3).

1 (B) REPROCESSING.—An investigative
2 sampling permit—

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

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

10 (C) REQUIREMENTS RELATING TO SAM-
11 PLES.—In conducting investigative sampling of
12 historic mine residue, soil, or water, a Good Sa-
13 maritan shall—

14 (i) collect samples that are representa-
15 tive of the conditions present at the aban-
16 doned mine site that is the subject of the
17 investigative sampling permit; and

18 (ii) retain publicly available records of
19 all sampling events for a period of not less
20 than 3 years.

21 (5) POST-SAMPLING REMEDIATION.—

22 (A) REFUSAL TO CONVERT PERMIT.—Sub-
23 ject to subparagraph (B), a Good Samaritan
24 who obtains an investigative sampling permit
25 may decline—

1 (i) to apply to convert the investiga-
2 tive sampling permit into a Good Samari-
3 tan permit under paragraph (6); 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) RETURN TO PREEXISTING CONDI-
9 TIONS.—If the activities carried out by a Good
10 Samaritan under an investigative sampling per-
11 mit result in surface water quality conditions,
12 or any other environmental or safety conditions,
13 that are worse than the preexisting conditions
14 of the applicable abandoned mine site due to
15 historic mine residue at the abandoned mine
16 site, the Good Samaritan shall return the aban-
17 doned mine site to those preexisting conditions.

18 (6) PERMIT CONVERSION.—Not later than 1
19 year after the date on which the investigative sam-
20 pling under the investigative sampling permit con-
21 cludes, a Good Samaritan to whom an investigative
22 sampling permit is granted under paragraph (1)
23 may apply to convert an investigative sampling per-
24 mit into a Good Samaritan permit under subsection
25 (e)(1).

1 (e) INVESTIGATIVE SAMPLING CONVERSION.—

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

7 (2) APPLICATION.—

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

14 (B) PUBLIC NOTICE AND COMMENT.—An
15 application for permit conversion under this
16 paragraph shall be subject to—

17 (i) environmental review and public
18 comment procedures required by sub-
19 section (l); and

20 (ii) a public hearing, if requested.

21 (f) CONTENT OF PERMITS.—

22 (1) IN GENERAL.—A Good Samaritan permit
23 shall contain—

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

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

10 (I) section 301, 302, 306, 307, 402,
11 or 404 of the Federal Water Pollution
12 Control Act (33 U.S.C. 1311, 1312, 1316,
13 1317, 1342, 1344); and

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

20 (ii) in the case of an abandoned mine site
21 in a State that is authorized to implement State
22 law pursuant to section 402 or 404 of the Fed-
23 eral Water Pollution Control Act (33 U.S.C.
24 1342, 1344) or on land of an Indian tribe that
25 is authorized to implement Tribal law pursuant

1 to that section, a provision that states that the
2 Good Samaritan is responsible for securing, for
3 all activities authorized under the Good Samari-
4 tan permit, all authorizations, licenses, and per-
5 mits that are required under applicable law, ex-
6 cept for—

7 (I) the State or Tribal law, as applica-
8 ble; and

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

15 (C) specific public notification require-
16 ments, including the contact information for all
17 appropriate response centers in accordance with
18 subsection (o);

19 (D) in the case of a project on land owned
20 by the United States, a notice that the Good
21 Samaritan permit serves as an agreement for
22 use and occupancy of Federal land that is en-
23 forceable by the applicable Federal land man-
24 agement agency; and

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

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

10 (A) an act of God;

11 (B) an act of war;

12 (C) negligence on the part of the United
13 States;

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

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

20 (ii) took precautions against foresee-
21 able acts or omissions of the third party,
22 as determined by the Administrator; and

23 (iii) uses reasonable efforts—

24 (I) to anticipate any potential
25 force majeure; and

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

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

6 (3) MONITORING.—

7 (A) IN GENERAL.—The Good Samaritan
8 shall take such actions as the Good Samaritan
9 permit requires to ensure appropriate baseline
10 monitoring, monitoring during the remediation
11 project, and post-remediation monitoring of the
12 environment under paragraphs (6), (7), and
13 (15), respectively, of subsection (c).

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

19 (i) the multiparty monitoring will ef-
20 fectively accomplish the goals of this sec-
21 tion; and

22 (ii) the Good Samaritan remains re-
23 sponsible for compliance with the terms of
24 the Good Samaritan permit.

25 (4) OTHER DEVELOPMENT.—

1 (A) NO AUTHORIZATION OF MINING AC-
2 TIVITIES.—No mineral exploration, processing,
3 beneficiation, or mining shall be—

4 (i) authorized by this Act; or

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

7 (B) REPROCESSING OF MATERIALS.—A
8 Good Samaritan may reprocess materials recov-
9 ered during the implementation of a remedi-
10 ation plan only if—

11 (i) the project under the Good Samar-
12 itan permit is on land owned by the United
13 States;

14 (ii) the applicable Federal land man-
15 agement agency has signed a decision doc-
16 ument under subsection (l)(2)(G) approv-
17 ing reprocessing as part of a remediation
18 plan;

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

21 (I) to defray the costs of the re-
22 mediation; and

23 (II) to the extent required by the
24 Good Samaritan permit, to reimburse
25 the Administrator or the head of a

1 Federal land management agency for
2 the purpose of carrying out this Act;

3 (iv) any remaining proceeds are de-
4 posited into the appropriate Good Samari-
5 tan Mine Remediation Fund established by
6 section 5(a); and

7 (v) the materials only include historic
8 mine residue.

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

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

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

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

3 (h) TIMING.—Work authorized under a Good Samar-
4 itan permit—

5 (1) shall commence, as applicable—

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

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

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

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

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

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

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

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

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

10 (1) the Administrator shall—

11 (A) consult with prospective applicants;

12 (B) convene, coordinate, and lead the ap-
13 plication review process;

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

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

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

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

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

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

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

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

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

14 (B) in coordination with the Adminis-
15 trator, enforce Good Samaritan permits issued
16 under this section for projects on land owned by
17 the United States.

18 (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—
19 As soon as practicable, but not later than 14 days after
20 the date on which the Administrator receives an applica-
21 tion for the remediation of an abandoned mine site under
22 this section, the Administrator shall provide notice and a
23 copy of the application to—

24 (1) each local government with jurisdiction over
25 a drinking water utility, and each Indian tribe with

1 reservation or off-reservation treaty rights to land or
2 water, located downstream from a proposed remedi-
3 ation project that is reasonably anticipated to be ad-
4 versely impacted by a potential release of contami-
5 nants from the abandoned mine site, as determined
6 by the Administrator;

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

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

13 (l) ENVIRONMENTAL REVIEW AND PUBLIC COM-
14 MENT.—

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

21 (2) RELATION TO NEPA.—

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

1 tion for purposes of section 102 of the National
2 Environmental Policy Act of 1969 (42 U.S.C.
3 4332).

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

8 (i) in the case of a proposed project
9 on land owned by the United States, the
10 applicable Federal land management agen-
11 cy; and

12 (ii) in the case of a proposed project
13 on State, Tribal, or private land, the Ad-
14 ministrator.

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

22 (D) COOPERATING AGENCY.—In the case
23 of a proposed project on land owned by the
24 United States, the Administrator shall be a co-
25 operating agency for purposes of an environ-

1 mental assessment and public comment under
2 this subsection.

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

6 (i) the issuance of a Good Samaritan
7 permit;

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

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

13 (F) NO SIGNIFICANT IMPACT.—

14 (i) IN GENERAL.—A Good Samaritan
15 permit may only be issued if, after an envi-
16 ronmental assessment, the head of the lead
17 agency issues a finding of no significant
18 impact.

19 (ii) SIGNIFICANT IMPACT.—If the
20 head of the lead agency determines that a
21 project would likely have a significant im-
22 pact on the environment, the head of the
23 lead agency shall not issue a Good Samari-
24 tan permit for the proposed project.

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

5 (i) the Administrator; and

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

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

16 (m) PERMIT GRANT.—

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

21 (A) the Administrator determines that—

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

24 (ii) the application described in sub-
25 section (c) is complete;

1 (iii) the project is designed to reme-
2 diate historic mine residue at the aban-
3 doned mine site to protect public health
4 and the environment;

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

11 (v) the proposed activities, as com-
12 pared to the baseline conditions described
13 in subsection (c)(6), will make measurable
14 progress toward achieving—

15 (I) applicable water quality
16 standards;

17 (II) improved soil quality;

18 (III) other improved environ-
19 mental or safety conditions; or

20 (IV) reductions in threats to soil
21 quality or other environmental or
22 safety conditions;

23 (vi) the applicant has—

24 (I) demonstrated that the appli-
25 cant has the proper and appropriate

1 experience and capacity to complete
2 the permitted work;

3 (II) demonstrated that the appli-
4 cant will complete the permitted work;

5 (III) the financial and other re-
6 sources to address any contingencies
7 identified in the Good Samaritan per-
8 mit application described in sub-
9 sections (b) and (c);

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

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

17 (aa) the applicant has, or
18 has access to, the financial re-
19 sources to complete the project
20 described in the Good Samaritan
21 permit application, including any
22 long-term monitoring and oper-
23 ations and maintenance that the
24 Administrator may require the

1 applicant to perform in the Good
2 Samaritan permit; or

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

15 (AA) establishes the
16 Administrator or the head of
17 the Federal land manage-
18 ment agency as the bene-
19 ficiary of the third-party fi-
20 nancial assurance mecha-
21 nism; and

22 (BB) allows the Admin-
23 istrator to retain and use
24 the funds from the financial
25 assurance mechanism in the

1 event the Good Samaritan
2 does not complete the reme-
3 diation under the Good Sa-
4 maritan permit; and

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

7 (B) the State or Indian tribe with jurisdic-
8 tion over land on which the abandoned mine
9 site is located has been given an opportunity to
10 review and, if necessary, comment on the grant
11 of the Good Samaritan permit;

12 (C) in the case of a project proposed to be
13 carried out under the Good Samaritan permit
14 partially or entirely on land owned by the
15 United States, pursuant to subsection (l), the
16 head of the applicable Federal land manage-
17 ment agency has signed a decision document
18 approving the proposed project; and

19 (D) the Administrator or head of the Fed-
20 eral land management agency, as applicable,
21 has provided—

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

1 (ii) a public hearing under that sub-
2 section, if requested.

3 (2) DEADLINE.—

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

7 (i) the date that is 180 days after the
8 date of receipt by the Administrator of an
9 application for the Good Samaritan permit
10 that, as determined by the Administrator,
11 is complete and meets all applicable re-
12 quirements of subsection (c); or

13 (ii) such later date as may be deter-
14 mined by the Administrator with notifica-
15 tion provided to the applicant.

16 (B) CONSTRUCTIVE DENIAL.—If the Ad-
17 ministrator fails to grant or deny a Good Sa-
18 maritan permit by the applicable deadline de-
19 scribed in subparagraph (A), the application
20 shall be considered to be denied.

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

1 (n) EFFECT OF PERMITS.—

2 (1) IN GENERAL.—A Good Samaritan and any
3 cooperating person undertaking remediation activi-
4 ties identified in, carried out pursuant to, and in
5 compliance with, a covered permit—

6 (A) shall be considered to be in compliance
7 with all requirements (including permitting re-
8 quirements) under the Federal Water Pollution
9 Control Act (33 U.S.C. 1251 et seq.) (including
10 any law or regulation implemented by a State
11 or Indian tribe under section 402 or 404 of
12 that Act (33 U.S.C. 1342, 1344)) and the Com-
13 prehensive Environmental Response, Compensa-
14 tion, and Liability Act of 1980 (42 U.S.C. 9601
15 et seq.) during the term of the Good Samaritan
16 permit and after the termination of the Good
17 Samaritan permit;

18 (B) shall not be required to obtain a per-
19 mit under, or to comply with, section 301, 302,
20 306, 307, 402, or 404 of the Federal Water
21 Pollution Control Act (33 U.S.C. 1311, 1312,
22 1316, 1317, 1342, 1344), or any State or Trib-
23 al standards or regulations approved by the Ad-
24 ministrator under those sections of that Act,
25 during the term of the Good Samaritan permit

1 and after the termination of the Good Samari-
2 tan permit; and

3 (C) shall not be required to obtain any au-
4 thorizations, licenses, or permits that would
5 otherwise not need to be obtained if the remedi-
6 ation was conducted pursuant to section 121 of
7 the Comprehensive Environmental Response,
8 Compensation, and Liability Act of 1980 (42
9 U.S.C. 9621).

10 (2) UNAUTHORIZED ACTIVITIES.—

11 (A) IN GENERAL.—Any person (including
12 a Good Samaritan or any cooperating person)
13 that carries out any activity, including activities
14 relating to mineral exploration, processing,
15 beneficiation, or mining, including development,
16 that is not authorized by the applicable Good
17 Samaritan permit shall be subject to all applica-
18 ble law.

19 (B) LIABILITY.—Any activity not author-
20 ized by a Good Samaritan permit, as deter-
21 mined by the Administrator, may be subject to
22 liability and enforcement under all applicable
23 law, including—

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

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

4 (3) NO ENFORCEMENT OR LIABILITY FOR GOOD
5 SAMARITANS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graphs (D) and (E), a Good Samaritan or co-
8 operating person that is conducting a remedi-
9 ation activity identified in, pursuant to, and in
10 compliance with a covered permit shall not be
11 subject to enforcement or liability described in
12 subparagraph (B) for—

13 (i) any actions undertaken that are
14 authorized by the covered permit; or

15 (ii) any past, present, or future re-
16 leases, threats of releases, or discharges of
17 hazardous substances, pollutants, or con-
18 taminants at or from the abandoned mine
19 site that is the subject of the covered per-
20 mit (including any releases, threats of re-
21 leases, or discharges that occurred prior to
22 the grant of the covered permit).

23 (B) ENFORCEMENT OR LIABILITY DE-
24 SCRIBED.—Enforcement or liability referred to
25 in subparagraph (A) is enforcement, civil or

1 criminal penalties, citizen suits and any liabil-
2 ities for response costs, natural resource dam-
3 age, or contribution under—

4 (i) the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1251 et seq.) (includ-
6 ing under any law or regulation adminis-
7 tered by a State or Indian tribe under that
8 Act); or

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

12 (C) DURATION OF APPLICABILITY.—Sub-
13 paragraph (A) shall apply during the term of
14 the Good Samaritan permit and after termi-
15 nation of the Good Samaritan permit.

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

19 (E) DECLINE IN ENVIRONMENTAL CONDI-
20 TIONS.—Notwithstanding subparagraph (A), if
21 a Good Samaritan or cooperating person fails
22 to comply with any term, condition, or limita-
23 tion of a covered permit and that failure results
24 in surface water quality or other environmental
25 conditions that are measurably worse than

1 baseline conditions at the abandoned mine site,
2 the Administrator shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (q) EMERGENCY AUTHORITY AND LIABILITY.—

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

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

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

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

24 (r) TERMINATION OF PERMIT.—

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

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

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

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

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

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

24 (2) EXTENSION.—

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

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

9 (3) EFFECT OF TERMINATION.—

10 (A) IN GENERAL.—Notwithstanding the
11 termination of a Good Samaritan permit or an
12 investigative sampling permit under paragraph
13 (1), but subject to subparagraph (B), the provi-
14 sions of paragraphs (1) through (4) of sub-
15 section (n) shall continue to apply to the Good
16 Samaritan and any cooperating persons after
17 the termination, including to any long-term op-
18 erations and maintenance pursuant to the
19 agreement under paragraph (5).

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

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

1 permit is terminated, actions by the Good
2 Samaritan or cooperating person have
3 caused surface water quality at the aban-
4 doned mine site to be measurably worse, as
5 compared to baseline conditions described
6 in subsection (c)(6), the Administrator
7 shall, before terminating the Good Samari-
8 tan permit, provide the Good Samaritan or
9 cooperating person, as applicable, the op-
10 portunity to return surface water quality
11 to those baseline conditions.

12 (ii) EFFECT.—If, pursuant to clause
13 (i), the applicable Good Samaritan or co-
14 operating person does not return the sur-
15 face water quality at the abandoned mine
16 site to the baseline conditions described in
17 subsection (c)(6), subparagraph (A) shall
18 not apply to the Good Samaritan or any
19 cooperating persons.

20 (4) UNFORESEEN CIRCUMSTANCES.—

21 (A) IN GENERAL.—The recipient of a cov-
22 ered permit may seek to modify or terminate
23 the covered permit to take into account any
24 event or condition that—

1 (i) significantly reduces the feasibility
2 or significantly increases the cost of com-
3 pleting the remediation project that is the
4 subject of the covered permit;

5 (ii) was not—

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

8 (II) taken into account in the re-
9 mediatioin plan of the recipient of the
10 permit; and

11 (iii) is beyond the control of the re-
12 cipient of the permit, as determined by the
13 Administrator.

14 (B) TERMINATION.—The Administrator
15 shall terminate a covered permit if—

16 (i) the recipient of the permit seeks
17 termination of the permit under subpara-
18 graph (A);

19 (ii) the factors described in subpara-
20 graph (A) are satisfied; and

21 (iii) the Administrator determines
22 that remediation activities conducted by
23 the Good Samaritan or cooperating person
24 pursuant to the covered permit may result
25 in surface water quality conditions, or any

1 other environmental conditions, that will be
2 worse than the baseline conditions, as de-
3 scribed in subsection (c)(6), as applicable.

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

16 (s) REGULATIONS.—

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

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

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

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

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

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

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

22 (2) the Environmental Protection Agency.

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

24 (1) amounts provided in appropriation Acts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) a description of—

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

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

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

1 (3) a description of—

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

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

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

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

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