

115TH CONGRESS  
2D SESSION

# H. R. 7226

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2018

Mr. TIPTON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote remediation of orphan 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 Orphan Hardrock Mines Act of 2018”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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

4           (2) COOPERATING PERSON.—The term “cooper-  
5           ating person” means any person that is named by  
6           the Good Samaritan in the permit application as a  
7           cooperating entity.

8           (3) FEDERAL LAND MANAGEMENT AGENCY.—  
9           The term “Federal land management agency”  
10          means any Federal agency authorized by law or ex-  
11          ecutive order to exercise jurisdiction, custody, or  
12          control over land owned by the United States.

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

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

19                         (i) the orphan mine site at which the  
20                         historic mine residue is located; or

21                         (ii) a portion of that orphan mine site;

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

24                 (C) is not potentially liable under any Fed-  
25                 eral, State, Tribal, or local law for the remedi-

1           ation, treatment, or control of the historic mine  
2           residue.

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

6           (6) HISTORIC MINE RESIDUE.—

7           (A) IN GENERAL.—The term “historic  
8           mine residue” means mine residue or any con-  
9           dition at an orphan mine site resulting from  
10          hardrock mining activities conducted on—

11           (i) Federal land under sections 2319  
12           through 2352 of the Revised Statutes  
13           (commonly known as the “Mining Law of  
14           1872”; 30 U.S.C. 22 et seq.); or

15           (ii) State or private land.

16           (B) INCLUSIONS.—The term “historic  
17           mine residue” includes—

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

21           (ii) equipment (including materials in  
22           equipment);

23           (iii) any tailings, heap leach piles,  
24           dump leach piles, waste rock, overburden,  
25           slag piles, or other waste or material re-

1 sulting from any extraction, beneficiation,  
2 or other processing activity that occurred  
3 during the active operation of an orphan  
4 mine site;

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

12 (v) any hazardous substance (as de-  
13 fined in section 101 of the Comprehensive  
14 Environmental Response, Compensation,  
15 and Liability Act of 1980 (42 U.S.C.  
16 9601));

17 (vi) any pollutant or contaminant (as  
18 defined in section 101 of the Comprehen-  
19 sive Environmental Response, Compensa-  
20 tion, and Liability Act of 1980 (42 U.S.C.  
21 9601)); and

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

1 (7) INDIAN TRIBE.—The term “Indian tribe”  
2 has the meaning given the term in section 518(h) of  
3 the Federal Water Pollution Control Act (33 U.S.C.  
4 1377(h)).

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

9 (9) ORPHAN MINE SITE.—

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

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

22 (ii) for which, based on information  
23 supplied by the Good Samaritan after re-  
24 view of publicly available data and after re-  
25 view of other information in the possession

1 of the Administrator, the Administrator or,  
2 in the case of a site on land owned by the  
3 United States, the Federal land manage-  
4 ment agency, determines that no respon-  
5 sible owner or operator has been identi-  
6 fied—

7 (I) who is potentially liable for,  
8 or has been required to perform or  
9 pay for, environmental remediation  
10 activities under applicable law; and

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

22 (B) INCLUSION.—The term “orphan mine  
23 site” includes a hardrock mine site (including  
24 associated facilities) that was previously the  
25 subject of a completed response action under

1 the Comprehensive Environmental Response,  
2 Compensation, and Liability Act of 1980 (42  
3 U.S.C. 9601 et seq.) or a similar Federal and  
4 State reclamation or cleanup program, includ-  
5 ing the remediation of mine-scarred land under  
6 the brownfields revitalization program under  
7 section 104(k) of the Comprehensive Environ-  
8 mental Response, Compensation, and Liability  
9 Act of 1980 (42 U.S.C. 9604(k)).

10 (C) EXCLUSIONS.—

11 (i) IN GENERAL.—The term “orphan  
12 mine site” does not include a mine site (in-  
13 cluding associated facilities)—

14 (I) in a temporary shutdown or  
15 cessation;

16 (II) included on the National Pri-  
17 orities List developed by the President  
18 in accordance with section  
19 105(a)(8)(B) of the Comprehensive  
20 Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42  
22 U.S.C. 9605(a)(8)(B)) or is proposed  
23 for inclusion on that list;

24 (III) that is the subject of a  
25 planned or ongoing response action

1 under the Comprehensive Environ-  
2 mental Response, Compensation, and  
3 Liability Act of 1980 (42 U.S.C. 9601  
4 et seq.) or a similar Federal and State  
5 reclamation or cleanup program;

6 (IV) that has a responsible owner  
7 or operator; or

8 (V) that actively mined or proc-  
9 essed minerals after December 11,  
10 1980.

11 (10) PASSIVE LANDOWNER.—The term “passive  
12 landowner” means an individual who—

13 (A) owns property containing an orphan  
14 mine site;

15 (B) had no part in the operation of the or-  
16 phan mine site; and

17 (C) took ownership of the property de-  
18 scribed in subparagraph (A) after termination  
19 of the mining operation at the orphan mine  
20 site.

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

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



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

(12) REMEDIATION.—

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

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

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

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

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

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

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

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

13                  (B)(i) a present or past owner or operator  
14      or other person that is liable with respect to a  
15      release or threat of release of a hazardous sub-  
16      stance, pollutant, or contaminant associated  
17      with the historic mine residue at or from an or-  
18      phan mine site under section 104, 106, 107, or  
19      113 of the Comprehensive Environmental Re-  
20      sponse, Compensation, and Liability Act of  
21      1980 (42 U.S.C. 9604, 9606, 9607, 9613); and

22                  (ii) financially able to comply with each re-  
23      quirement described in those sections, as appli-  
24      cable.

1 **SEC. 3. SCOPE.**

2       Nothing in this Act (or an amendment made by this  
3 Act)—

4           (1) reduces any existing liability;

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

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

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

18          (5) relieves the United States or any Federal  
19 land management agency from any liability under  
20 section 107 of the Comprehensive Environmental  
21 Response, Compensation, and Liability Act of 1980  
22 (42 U.S.C. 9607) or section 301 of the Federal  
23 Water Pollution Control Act (33 U.S.C. 1311) that  
24 exists apart from any action undertaken pursuant to  
25 this Act.

1 **SEC. 4. ORPHAN MINE SITE GOOD SAMARITAN PILOT**  
2 **PROJECT AUTHORIZATION.**

3 (a) ESTABLISHMENT.—

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

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

18 (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

19 (1) IN GENERAL.—To be eligible to receive a  
20 Good Samaritan permit to carry out a project to re-  
21 mediate an orphan mine site, a person shall dem-  
22 onstrate that—

23 (A) the orphan mine site that is the sub-  
24 ject of the application for a Good Samaritan  
25 permit is located in the United States;

1 (B) the purpose of the proposed project is  
2 the remediation at that orphan mine site of his-  
3 toric mine residue;

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

7 (D) to the satisfaction of the Adminis-  
8 trator, the person—

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

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

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

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

22 (iii) will complete the permitted work;  
23 and

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

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

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

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

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

1 reasonably discoverable by the person on the date on which  
2 the application is submitted—

3 (1) a description of the orphan mine site (in-  
4 cluding the boundaries of the orphan mine site) pro-  
5 posed to be covered by the Good Samaritan permit;

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

12 (3) evidence that the person has or will acquire  
13 all legal rights or the authority necessary to enter  
14 the relevant orphan mine site and perform the reme-  
15 diation described in the application;

16 (4) a detailed description of the historic mine  
17 residue to be remediated;

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

22 (6) to the satisfaction of the Administrator and  
23 subject to subsection (d), a description of the base-  
24 line environmental conditions, including potentially  
25 affected surface water quality and hydrological con-

1       ditions, affected by the historic mine residue to be  
2       remediated that includes—

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

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

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

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

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

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

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



1 (I) the reduction or prevention of  
2 a release, threat of release, or dis-  
3 charge to surface waters; or

4 (II) other appropriate goals relat-  
5 ing to water or soil;

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

8 (i) to improve or enhance water qual-  
9 ity or site-specific soil quality relevant to  
10 the historic mine residue addressed by the  
11 remediation plan; or

12 (ii) to otherwise protect human health  
13 and the environment (including through  
14 the prevention of a release, discharge, or  
15 threat of release to water or soil);

16 (C) the monitoring or other form of assess-  
17 ment, if any, that will be undertaken by the  
18 person to evaluate the success of the activities  
19 described in subparagraph (A) during and after  
20 the remediation, with respect to the baseline  
21 conditions, as described in paragraph (6);

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

1           (E) any proposed recycling or reprocessing  
2           of historic mine residue to be conducted by the  
3           person (including a description of how all pro-  
4           posed recycling or reprocessing activities relate  
5           to the remediation of the orphan mine site);  
6           and

7           (F) identification of any proposed con-  
8           tractor that will perform any remediation activ-  
9           ity;

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

14          (9) subject to subsection (d), in the case of a  
15          remediation activity that requires plugging, opening,  
16          or otherwise altering the portal or adit of an orphan  
17          mine site, an evaluation of orphan mine site condi-  
18          tions, including an assessment of any pooled water  
19          or hydraulic pressure in the orphan mine site con-  
20          ducted by a licensed professional engineer;

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

23          (11) a specific contingency plan that—

24                (A) includes provisions on response and  
25                notification to Federal, State, and local authori-

1           ties with jurisdiction over downstream waters  
2           that have the potential to be impacted by an  
3           unplanned release or discharge of hazardous  
4           substances, pollutants, or contaminants; and

5                 (B) is designed to respond to unplanned  
6           adverse events (such as potential fluid release  
7           that may result from addressing pooled water  
8           or hydraulic pressure situations), including the  
9           sudden release of historic mine residue;

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

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

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

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

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

6 (15) subject to subsection (d), a description of  
 7 any planned post-remediation monitoring, if nec-  
 8 essary; and

9 (16) subject to subsection (d), any other appro-  
 10 priate information, as determined by the Adminis-  
 11 trator or the applicant.

12 (d) INVESTIGATIVE SAMPLING.—

13 (1) INVESTIGATIVE SAMPLING PERMITS.—The  
 14 Administrator may grant an investigative sampling  
 15 permit for a period determined by the Administrator  
 16 to authorize a person to conduct investigative sam-  
 17 pling of historic mine residue, soil, or water to deter-  
 18 mine—

19 (A) baseline conditions; and

20 (B) whether the person—

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

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

1           (2) APPLICATION.—If a person proposes to con-  
2           duct investigative sampling, the person shall submit  
3           to the Administrator a Good Samaritan permit ap-  
4           plication that contains, to the satisfaction of the Ad-  
5           ministrator—

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                  (10) and (11) of subsection (c); and

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

14           (3) PERMIT LIMITATIONS.—If a person submits  
15           an application that proposes only investigative sam-  
16           pling of historic mine residue, soil, or water that  
17           only includes the requirements described in para-  
18           graph (2), the Administrator may only grant an in-  
19           vestigative sampling permit that authorizes the per-  
20           son only to carry out the plan of investigative sam-  
21           pling of historic mine residue, soil, or water, as de-  
22           scribed in the investigative sampling permit applica-  
23           tion under paragraph (2).

1           (4) REQUIREMENTS RELATING TO SAMPLES.—

2           In conducting investigative sampling of historic mine  
3           residue, soil, or water, a person shall—

4                   (A) collect samples that are representative  
5                   of the conditions present at the orphan mine  
6                   site that is the subject of the investigative sam-  
7                   pling permit; and

8                   (B) retain publically available records of all  
9                   sampling events for a period of not less than 3  
10                  years.

11          (5) POST-SAMPLING REMEDIATION.—

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

19                   (B) RETURN TO PREEXISTING CONDI-  
20                   TIONS.—If the activities carried out by a person  
21                   under an investigative sampling permit result in  
22                   surface water quality conditions, or any other  
23                   environmental conditions, that are worse than  
24                   the preexisting conditions of the applicable or-  
25                   phan mine site due to historic mine residue at

1           the orphan mine site, the person shall under-  
2           take actions to return the orphan mine site to  
3           those preexisting conditions.

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

11          (e) INVESTIGATIVE SAMPLING CONVERSION.—

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

17           (2) APPLICATION.—

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

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

4 (i) a period of public notice and com-  
5 ment; and

6 (ii) a public hearing, if requested.

7 (f) CONTENT OF PERMITS.—

8 (1) IN GENERAL.—A Good Samaritan permit  
9 shall contain—

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

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

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

23 (II) authorizations, licenses, and per-  
24 mits that would not need to be obtained if  
25 the remediation was conducted pursuant to



1 section 121 of the Comprehensive Environ-  
2 mental Response, Compensation, and Li-  
3 ability Act of 1980 (42 U.S.C. 9621); or

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

16 (I) the State or Tribal law, as applica-  
17 ble; and

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

24 (C) specific public notification require-  
25 ments, including the contact information for all

1 appropriate response centers in accordance with  
2 subsection (o); and

3 (D) any other terms and conditions deter-  
4 mined to be appropriate by the Administrator.

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; or

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.

3 (3) MONITORING.—

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

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

16 (i) the multiparty monitoring will ef-  
17 fectively accomplish the goals of this sec-  
18 tion; and

19 (ii) the Good Samaritan remains re-  
20 sponsible for compliance with the terms of  
21 the Good Samaritan permit.

22 (4) SIGNATURE BY GOOD SAMARITAN.—The  
23 signature of the relevant Good Samaritan and a co-  
24 operating person, if any, on the Good Samaritan  
25 permit shall be considered to be an acknowledgment

1 by the Good Samaritan that the Good Samaritan ac-  
2 cepts the terms and conditions of the Good Samari-  
3 tan permit.

4 (5) OTHER DEVELOPMENT.—

5 (A) NO AUTHORIZATION OF MINING AC-  
6 TIVITIES.—Except as provided in the Good Sa-  
7 maritan permit, no mineral exploration, proc-  
8 essing, beneficiation, or mining shall be—

9 (i) authorized by this Act; or

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

12 (B) SALE OR USE OF MATERIALS.—A  
13 Good Samaritan may sell or use materials re-  
14 covered during the implementation of a remedi-  
15 ation plan only if all of the proceeds from the  
16 sale or use of the materials are first used—

17 (i) to defray the costs of the remedi-  
18 ation; and

19 (ii) to the extent required by the Good  
20 Samaritan permit, to reimburse the Ad-  
21 ministrator or the head of a Federal land  
22 management agency for any costs incurred  
23 for oversight of the Good Samaritan.

24 (C) CONNECTION WITH OTHER ACTIVI-  
25 TIES.—The commingling or association of any

1           other discharge of water or historic mine res-  
2           idue or any activity, project, or operation with  
3           any aspect of a project subject to a Good Sa-  
4           maritan permit shall not limit or reduce the li-  
5           ability of any person associated with the other  
6           discharge of water or historic mine residue or  
7           activity, project, or operation.

8           (g) ADDITIONAL WORK.—A Good Samaritan permit  
9           may allow the Good Samaritan to return to the orphan  
10          mine site after the completion of the remediation to per-  
11          form operations and maintenance or other work—

12               (1) to ensure the functionality of the orphan  
13          mine site; or

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

16          (h) TIMING.—Work authorized under a Good Samar-  
17          itan permit—

18               (1) shall commence, as applicable—

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

24                       (B) if the grant of the Good Samaritan  
25                       permit is the subject of a petition for judicial

1 review, not later than the date that is 18  
2 months after the date on which the judicial re-  
3 view, including any appeals, has concluded; and  
4 (2) shall continue until completed, with tem-  
5 porary suspensions permitted during adverse weath-  
6 er or other conditions specified in the Good Samaritan  
7 permit.

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

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

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

14 (3) the Administrator includes in the trans-  
15 ferred Good Samaritan permit any additional condi-  
16 tions necessary to meet the goals of this Act; and

17 (4) in the case of a project carried out or pro-  
18 posed to be carried out under the transferred Good  
19 Samaritan permit on land owned by the United  
20 States—

21 (A) the head of the appropriate Federal  
22 land management agency consents to the trans-  
23 fer; and

24 (B) the transferee enters into any applica-  
25 ble special use permit or other land use agree-

1           ment with that Federal land management agen-  
2           cy.

3           (j) ROLE OF ADMINISTRATOR.—In carrying out this  
4 section, the Administrator shall—

5           (1) consult with prospective applicants;

6           (2) convene, coordinate, and lead the applica-  
7 tion review process;

8           (3) maintain all records relating to the Good  
9 Samaritan permit and the permit process;

10          (4) provide an opportunity for cooperating per-  
11 sons and the public to participate in the Good Sa-  
12 maritan permit process, including—

13                   (A) a public comment period; and

14                   (B) a public hearing, if requested; and

15          (5) enforce and otherwise carry out this section.

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

17 As soon as practicable, but not later than 14 days after  
18 the date on which the Administrator receives an applica-  
19 tion for the remediation of an orphan mine site under this  
20 section, the Administrator shall provide notice and a copy  
21 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 a proposed remedi-

1       ation project that is reasonably anticipated to be ad-  
2       versely impacted by a potential release of contami-  
3       nants from the orphan mine site, as determined by  
4       the Administrator;

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

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

11      (l) PUBLIC NOTICE OF RECEIPT OF APPLICA-  
12      TIONS.—

13           (1) IN GENERAL.—Not later than 30 days after  
14      the date on which the Administrator receives a com-  
15      plete application for a Good Samaritan permit, the  
16      Administrator shall provide to the public a notice  
17      that—

18           (A) describes—

19           (i) the location of the relevant orphan  
20      mine site;

21           (ii) the scope and nature of the pro-  
22      posed remediation; and

23           (iii) the name of the person applying  
24      for the Good Samaritan permit; and



1 (B) provides to the public a means of view-  
 2 ing or obtaining the application, including, at a  
 3 minimum, posting the application on the  
 4 website of the Administrator.

5 (2) HEARING.—

6 (A) IN GENERAL.—Before the date on  
 7 which the Administrator grants a Good Samari-  
 8 tan permit, if requested, the Administrator  
 9 shall hold a public hearing in the vicinity of the  
 10 affected orphan mine site.

11 (B) NOTICE.—Not later than 30 days be-  
 12 fore the date of a hearing under subparagraph  
 13 (A), the Administrator shall provide to the pub-  
 14 lic—

15 (i) notice of the hearing; and

16 (ii) a draft Good Samaritan permit.

17 (C) COMMENTS.—The Administrator shall  
 18 provide to the relevant applicant and the public  
 19 the opportunity—

20 (i) to comment on the draft Good Sa-  
 21 maritan permit at the public hearing; and

22 (ii) to submit written comments to the  
 23 Administrator during the 30-day period be-  
 24 ginning on the date of the hearing.

25 (m) PERMIT GRANT.—

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

5           (A) the Administrator determines that—

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

8               (ii) the application described in sub-  
9       section (c) is complete;

10              (iii) the project is designed to reme-  
11       diate historic mine residue at the orphan  
12       mine site to protect public health and the  
13       environment;

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

20              (v) the proposed activities are de-  
21       signed to result in, as compared to the  
22       baseline conditions described in subsection  
23       (c)(6)—

1 (I) improved water or soil quality  
2 or other environmental or safety con-  
3 ditions; or

4 (II) reductions in further threats  
5 to water or soil quality or other envi-  
6 ronmental or safety conditions;

7 (vi) the applicant has—

8 (I) demonstrated that the appli-  
9 cant has the proper and appropriate  
10 experience and capacity to complete  
11 the permitted work;

12 (II) demonstrated that the appli-  
13 cant will complete the permitted work;

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

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

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

1           (aa) the applicant has, or  
2           has access to, the financial re-  
3           sources to complete the project  
4           described in the Good Samaritan  
5           permit application, including any  
6           long-term monitoring and oper-  
7           ations and maintenance that the  
8           Administrator may require the  
9           applicant to perform in the Good  
10          Samaritan permit; or

11          (bb) the applicant has estab-  
12          lished a third-party financial as-  
13          surance mechanism, such as a  
14          corporate guarantee from a par-  
15          ent or other corporate affiliate,  
16          letter of credit, trust, surety  
17          bond, or insurance to assure that  
18          funds are available to complete  
19          the permitted work, including for  
20          operations and maintenance and  
21          to address potential contin-  
22          gencies, that establishes the Ad-  
23          ministrator or the head of the  
24          Federal land management agency  
25          as the beneficiary of the third-

1 party financial assurance mecha-  
2 nism and that allows the Admin-  
3 istrator to retain and use the  
4 funds from the financial assur-  
5 ance mechanism in the event the  
6 Good Samaritan does not com-  
7 plete the remediation under the  
8 Good Samaritan permit; and

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

11 (B) the State or Indian tribe with jurisdic-  
12 tion over land on which the orphan mine site is  
13 located has been given an opportunity to review  
14 and, if necessary, comment on the grant of the  
15 Good Samaritan permit;

16 (C) in the case of a project proposed to be  
17 carried out under the Good Samaritan permit  
18 partially or entirely on land owned by the  
19 United States—

20 (i) the head of the Federal land man-  
21 agement agency with jurisdiction over that  
22 land reviews and concurs with the grant of  
23 the Good Samaritan permit; and

24 (ii) the Good Samaritan has entered  
25 into any applicable special use permit or

1 other land use agreement with the Federal  
2 land management agency pursuant to ap-  
3 plicable Federal land management law; and

4 (D) the Administrator has provided—

5 (i) notice under subsection (l); and

6 (ii) a period of public comment and a  
7 public hearing under that subsection, if re-  
8 quested.

9 (2) RELATION TO NEPA.—

10 (A) IN GENERAL.—The grant or modifica-  
11 tion of a Good Samaritan permit by the Admin-  
12 istrator shall not be considered a major Federal  
13 action significantly affecting the quality of the  
14 human environment for purposes of section 102  
15 of the National Environmental Policy Act (42  
16 U.S.C. 4332).

17 (B) LIMITATION.—Nothing in this para-  
18 graph exempts the Secretary of Agriculture or  
19 the Secretary of the Interior, as applicable,  
20 from any other requirements of section 102 of  
21 the National Environmental Policy Act (42  
22 U.S.C. 4332).

23 (3) DEADLINE.—

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

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

10 (ii) such later date as may be deter-  
11 mined by the Administrator with notifica-  
12 tion provided to the applicant.

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

18 (n) EFFECT OF PERMITS.—

19 (1) IN GENERAL.—A Good Samaritan, recipient  
20 of an investigative sampling permit, passive land-  
21 owner, and any cooperating person undertaking re-  
22 mediation activities identified in and carried out pur-  
23 suant to and in full compliance with a Good Samari-  
24 tan permit—

1 (A) shall be considered to be in compliance  
2 with all requirements (including permitting re-  
3 quirements) under the Federal Water Pollution  
4 Control Act (33 U.S.C. 1251 et seq.) (including  
5 any law or regulation implemented by a State  
6 or Indian tribe under section 402 or 404 of the  
7 Federal Water Pollution Control Act (33 U.S.C.  
8 1342, 1344)) and the Comprehensive Environ-  
9 mental Response, Compensation, and Liability  
10 Act of 1980 (42 U.S.C. 9601 et seq.) during  
11 the term of the Good Samaritan permit and  
12 after the termination of the Good Samaritan  
13 permit;

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

24 (C) shall not be required to obtain any au-  
25 thorizations, licenses, or permits that would



otherwise not need to be obtained if the remediation was conducted pursuant to section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621).

(2) ACTIVITIES NOT RELATING TO REMEDIATION.—

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

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

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

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

(3) NO ENFORCEMENT LIABILITY.—

1 (A) DISCHARGES.—Subject to subpara-  
2 graphs (B) and (C), a Good Samaritan, recipi-  
3 ent of an investigative sampling permit, passive  
4 landowner, or cooperating person that is con-  
5 ducting remediation pursuant to a Good Samar-  
6 itan permit shall not be subject to enforcement,  
7 civil or criminal penalties, citizen suits, or any  
8 other liability (including any liability for re-  
9 sponse costs, natural resource damage, or con-  
10 tribution) under the Federal Water Pollution  
11 Control Act (33 U.S.C. 1251 et seq.) (including  
12 under any law or regulation administered by a  
13 State or Indian tribe under that Act) or the  
14 Comprehensive Environmental Response, Com-  
15 pensation, and Liability Act of 1980 (42 U.S.C.  
16 9601 et seq.) for any actions undertaken or for  
17 any past, present, or future releases, threats of  
18 releases, or discharges of hazardous substances,  
19 pollutants, or contaminants at or from the or-  
20 phan mine site that is the subject of the Good  
21 Samaritan permit (including any releases,  
22 threats of releases, or discharges that occurred  
23 prior to the grant of the Good Samaritan per-  
24 mit) during the term of the Good Samaritan

1 permit and after termination of the Good Sa-  
2 maritan permit.

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

6 (C) VIOLATION OF PERMIT PRIOR TO TER-  
7 MINATION.—Notwithstanding subparagraph  
8 (A), if the Good Samaritan, passive landowner,  
9 or cooperating person violates the terms of the  
10 Good Samaritan permit and that violation re-  
11 sults in surface water quality or other environ-  
12 mental conditions that are worse than baseline  
13 conditions at the orphan mine site, the Admin-  
14 istrator—

15 (i) shall notify the Good Samaritan of  
16 the violation; and

17 (ii) may require the Good Samaritan  
18 to undertake reasonable measures, as de-  
19 termined by the Administrator, to return  
20 surface water quality or other environ-  
21 mental conditions to the condition that ex-  
22 isted prior to the violation.

23 (o) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A  
24 Good Samaritan shall notify all appropriate Federal,  
25 State, Tribal, and local entities of any unplanned or pre-

1 viously unknown release of historic mine residue caused  
2 by the actions of the Good Samaritan, passive landowner,  
3 or any cooperating person in accordance with—

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

7 (2) section 304 of the Emergency Planning and  
8 Community Right-To-Know Act of 1986 (42 U.S.C.  
9 11004);

10 (3) the Federal Water Pollution Control Act  
11 (33 U.S.C. 1251 et seq.);

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

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

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

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

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

24 (q) EMERGENCY AUTHORITY AND LIABILITY.—

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

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

5                 (B) a Federal, State, Tribal, or local agen-  
6 cy to carry out any emergency authority, in-  
7 cluding an emergency authority provided under  
8 Federal, State, Tribal, or local law.

9           (2) LIABILITY.—Except as specifically provided  
10 in this Act, nothing in this Act or a Good Samaritan  
11 permit limits the liability of any person (including a  
12 Good Samaritan or any cooperating person) under  
13 any provision of law.

14         (r) TERMINATION OF AUTHORITY.—

15                 (1) TERMINATION.—

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

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

1 the application for the Good Samaritan per-  
2 mit—

3 (i) was submitted not later than 180  
4 days before that date; and

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

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

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

16 (B) this Act.

17 (3) TERMINATION OF PERMIT.—

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

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

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

3 (iii) except as provided in subpara-  
4 graph (B)—

5 (I) on the date that is 18 months  
6 after the date on which the Adminis-  
7 trator granted the Good Samaritan  
8 permit, if the permitted work has not  
9 commenced by that date; or

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

18 (B) EXTENSION.—

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

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

4           (4) UNFORESEEN CIRCUMSTANCES.—

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

11                         (i) significantly reduces the feasibility  
12                         or significantly increases the cost of com-  
13                         pleting the remediation project that is the  
14                         subject of the Good Samaritan permit or  
15                         investigative sampling permit;

16                         (ii) was not—

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

19                                 (II) taken into account in the re-  
20                                 mediation plan of the recipient of the  
21                                 permit; and

22                         (iii) is beyond the control of the re-  
23                         cipient of the permit, as determined by the  
24                         Administrator.

25                   (B) TERMINATION.—



1 (i) IN GENERAL.—Subject to sub-  
2 section (n)(3), the Administrator shall ter-  
3 minate a Good Samaritan permit or inves-  
4 tigative sampling permit if—

5 (I) the recipient of the permit  
6 seeks termination of the permit under  
7 subparagraph (A);

8 (II) the factors described in sub-  
9 paragraph (A) are satisfied; and

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

21 (ii) EFFECT OF TERMINATION.—Not-  
22 withstanding the termination of a Good  
23 Samaritan permit or investigative sampling  
24 permit under clause (i), the provisions of  
25 paragraphs (1), (2), and (3) of subsection

(n) shall continue to apply to the Good Samaritan, the recipient of an investigative sampling permit, and any cooperating persons after the termination.

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

(s) REGULATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, Tribal, and local officials, shall promulgate regulations to establish—

(A) requirements for remediation plans described 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 OF REGULATIONS.—Before the date on  
6 which the Administrator promulgates regulations  
7 under paragraph (1), the Administrator may estab-  
8 lish, on a case-by-case basis, specific requirements  
9 that the Administrator determines would facilitate  
10 the implementation of this subsection with respect to  
11 a Good Samaritan permitting program.

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

13 (a) ESTABLISHMENT.—There is established in the  
14 Treasury of the United States a Good Samaritan Mine  
15 Remediation Fund (referred to in this section as a  
16 “Fund”) for each Federal land management agency that  
17 authorizes a Good Samaritan to conduct a project on Fed-  
18 eral land under the jurisdiction of that Federal land man-  
19 agement agency under a Good Samaritan permit.

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

- 21 (1) amounts provided in appropriation Acts;  
22 (2) any reimbursements for the costs of over-  
23 sight received under section 4(f)(5)(B)(ii);

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

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

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

9           (6) any proceeds from the sale or redemption of  
10       investments held in the Fund.

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

13           (1) maintained as readily available or on de-  
14       posit;

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

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

20       (d) RETAIN AND USE AUTHORITY.—Each head of a  
21       Federal land management agency, as appropriate, may,  
22       notwithstanding any other provision of law, retain and use  
23       money deposited in the applicable Fund without fiscal year  
24       limitation for the purpose of carrying out this Act.

1 (e) LIMITATION.—Amounts in each Fund may only  
2 be used for the Good Samaritan project for which the  
3 funds were deposited.

4 **SEC. 6. REPORT TO CONGRESS.**

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

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

16 (1) a description of—

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

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

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

25 (3) a description of—

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

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

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

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

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