

115TH CONGRESS  
2D SESSION

# S. 3727

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2018

Mr. GARDNER introduced the following bill; which was read twice and referred  
to the Committee on Environment and Public Works

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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:

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

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

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

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

14                (A) is not a past or current owner or oper-  
15       ator of—

16                   (i) the orphan mine site at which the  
17                   historic mine residue is located; or

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

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

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

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

4           (6) HISTORIC MINE RESIDUE.—

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

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

13                   (ii) State or private land.

14           (B) INCLUSIONS.—The term “historic  
15           mine residue” includes—

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

19                   (ii) equipment (including materials in  
20                   equipment);

21                   (iii) any tailings, heap leach piles,  
22                   dump leach piles, waste rock, overburden,  
23                   slag piles, or other waste or material re-  
24                   sulting from any extraction, beneficiation,  
25                   or other processing activity that occurred

1 during the active operation of an orphan  
2 mine site;

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

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

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

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

23 (7) INDIAN TRIBE.—The term “Indian tribe”  
24 has the meaning given the term in section 518(h) of

1 the Federal Water Pollution Control Act (33 U.S.C.  
2 1377(h)).

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

7 (9) ORPHAN MINE SITE.—

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

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

20 (ii) for which, based on information  
21 supplied by the Good Samaritan after re-  
22 view of publicly available data and after re-  
23 view of other information in the possession  
24 of the Administrator, the Administrator or,  
25 in the case of a site on land owned by the

1 United States, the Federal land manage-  
2 ment agency, determines that no respon-  
3 sible owner or operator has been identi-  
4 fied—

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

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

20 (B) INCLUSION.—The term “orphan mine  
21 site” includes a hardrock mine site (including  
22 associated facilities) that was previously the  
23 subject of a completed response action under  
24 the Comprehensive Environmental Response,  
25 Compensation, and Liability Act of 1980 (42

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

8 (C) EXCLUSIONS.—

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

12 (I) in a temporary shutdown or  
13 cessation;

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

22 (III) that is the subject of a  
23 planned or ongoing response action  
24 under the Comprehensive Environ-  
25 mental Response, Compensation, and

1 Liability Act of 1980 (42 U.S.C. 9601  
2 et seq.) or a similar Federal and State  
3 reclamation or cleanup program;

4 (IV) that has a responsible owner  
5 or operator; or

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

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

11 (A) owns property containing an orphan  
12 mine site;

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

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

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

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

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



1 (12) REMEDIATION.—

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

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

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

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

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

1 (14) RESPONSIBLE OWNER OR OPERATOR.—

2 The term “responsible owner or operator” means a  
3 person that is—

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

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

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

19 (ii) financially able to comply with each re-  
20 quirement described in those sections, as appli-  
21 cable.

22 **SEC. 3. SCOPE.**

23 Nothing in this Act (or an amendment made by this  
24 Act)—

25 (1) reduces any existing liability;

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

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

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

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

22 **SEC. 4. ORPHAN MINE SITE GOOD SAMARITAN PILOT**  
23 **PROJECT AUTHORIZATION.**

24           (a) ESTABLISHMENT.—

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

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

15      (b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

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

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

23           (B) the purpose of the proposed project is  
24      the remediation at that orphan mine site of his-  
25      toric mine residue;

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

4 (D) to the satisfaction of the Adminis-  
5 trator, the person—

6 (i) possesses, or has the ability to se-  
7 cure, the financial and other resources nec-  
8 essary—

9 (I) to complete the permitted  
10 work, as determined by the Adminis-  
11 trator; and

12 (II) to address any contingencies  
13 identified in the Good Samaritan per-  
14 mit application described in subsection  
15 (c);

16 (ii) possesses the proper and appro-  
17 priate experience and capacity to complete  
18 the permitted work; and

19 (iii) will complete the permitted work;  
20 and

21 (E) the person is a Good Samaritan with  
22 respect to the historic mine residue proposed to  
23 be covered by the Good Samaritan permit.

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

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

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

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

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

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

7           (3) evidence that the person has or will acquire  
8           all legal rights or the authority necessary to enter  
9           the relevant orphan mine site and perform the reme-  
10          diation described in the application;

11          (4) a detailed description of the historic mine  
12          residue to be remediated;

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

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

23                (A) the nature and extent of any adverse  
24                impact on the water quality of any body of  
25                water caused by the drainage of historic mine

1 residue or other discharges from the orphan  
2 mine site;

3 (B) the flow rate and concentration of any  
4 drainage of historic mine residue or other dis-  
5 charge from the orphan mine site in any body  
6 of water that has resulted in an adverse impact  
7 described in subparagraph (A); and

8 (C) any other release or threat of release  
9 of historic mine residue that has resulted in an  
10 adverse impact to public health or the environ-  
11 ment;

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

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

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

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

21 (I) the reduction or prevention of  
22 a release, threat of release, or dis-  
23 charge to surface waters; or

24 (II) other appropriate goals relat-  
25 ing to water or soil;



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

3 (i) to improve or enhance water qual-  
4 ity or site-specific soil quality relevant to  
5 the historic mine residue addressed by the  
6 remediation plan; or

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

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

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

20 (E) any proposed recycling or reprocessing  
21 of historic mine residue to be conducted by the  
22 person (including a description of how all pro-  
23 posed recycling or reprocessing activities relate  
24 to the remediation of the orphan mine site);  
25 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 orphan mine site;

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

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

17 (11) a specific contingency plan that—

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

24 (B) is designed to respond to unplanned  
25 adverse events (such as potential fluid release

1           that may result from addressing pooled water  
2           or hydraulic pressure situations), including the  
3           sudden release of historic mine residue;

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

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

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

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

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

1           (15) subject to subsection (d), a description of  
 2           any planned post-remediation monitoring, if nec-  
 3           essary; and

4           (16) subject to subsection (d), any other appro-  
 5           priate information, as determined by the Adminis-  
 6           trator or the applicant.

7           (d) INVESTIGATIVE SAMPLING.—

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

14                   (A) baseline conditions; and

15                   (B) whether the person—

16                           (i) is willing to perform further reme-  
 17                           diation to address the historic mine res-  
 18                           idue; and

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

21          (2) APPLICATION.—If a person proposes to con-  
 22          duct investigative sampling, the person shall submit  
 23          to the Administrator a Good Samaritan permit ap-  
 24          plication that contains, to the satisfaction of the Ad-  
 25          ministrator—

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

3 (B) the evidence required under subsection  
4 (c)(3);

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

7 (D) a detailed plan of the investigative  
8 sampling.

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

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

22 (A) collect samples that are representative  
23 of the conditions present at the orphan mine  
24 site that is the subject of the investigative sam-  
25 pling permit; and

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

4 (5) POST-SAMPLING REMEDIATION.—

5 (A) REFUSAL TO CONVERT PERMIT.—Sub-  
6 ject to subparagraph (B), a person who obtains  
7 an investigative sampling permit may decline to  
8 apply to convert the investigative sampling per-  
9 mit into a Good Samaritan permit under para-  
10 graph (6) and decline to undertake remediation  
11 on conclusion of investigative sampling.

12 (B) RETURN TO PREEXISTING CONDI-  
13 TIONS.—If the activities carried out by a person  
14 under an investigative sampling permit result in  
15 surface water quality conditions, or any other  
16 environmental conditions, that are worse than  
17 the preexisting conditions of the applicable or-  
18 phan mine site due to historic mine residue at  
19 the orphan mine site, the person shall under-  
20 take actions to return the orphan mine site to  
21 those preexisting conditions.

22 (6) PERMIT CONVERSION.—Not later than 1  
23 year after the date on which the investigative sam-  
24 pling under the investigative sampling permit con-  
25 cludes, a person to whom an investigative sampling

1 permit is granted under paragraph (1) may apply to  
 2 convert an investigative sampling permit into a Good  
 3 Samaritan permit under subsection (e)(1).

4 (e) INVESTIGATIVE SAMPLING CONVERSION.—

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

10 (2) APPLICATION.—

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

17 (B) PUBLIC NOTICE AND COMMENT.—An  
 18 application for permit conversion under this  
 19 paragraph shall be subject to—

20 (i) a period of public notice and com-  
 21 ment; and

22 (ii) a public hearing, if requested.

23 (f) CONTENT OF PERMITS.—

24 (1) IN GENERAL.—A Good Samaritan permit  
 25 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 orphan mine site in  
21 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); and

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

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

1 (A) an act of God;

2 (B) an act of war;

3 (C) negligence on the part of the United  
4 States; or

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

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

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

14 (iii) uses reasonable efforts—

15 (I) to anticipate any potential  
16 force majeure; and

17 (II) to address the effects of any  
18 potential force majeure.

19 (3) MONITORING.—

20 (A) IN GENERAL.—The Good Samaritan  
21 shall take such actions as the Good Samaritan  
22 permits requires to ensure appropriate baseline  
23 monitoring, monitoring during the remediation  
24 project, and post-remediation monitoring of the

1 environment under paragraphs (6), (7), and  
 2 (15), respectively, of subsection (c).

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

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

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

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

21 (5) OTHER DEVELOPMENT.—

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

1 (i) authorized by this Act; or

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

4 (B) SALE OR USE OF MATERIALS.—A  
5 Good Samaritan may sell or use materials re-  
6 covered during the implementation of a remedi-  
7 ation plan only if all of the proceeds from the  
8 sale or use of the materials are first used—

9 (i) to defray the costs of the remedi-  
10 ation; and

11 (ii) to the extent required by the Good  
12 Samaritan permit, to reimburse the Ad-  
13 ministrator or the head of a Federal land  
14 management agency for any costs incurred  
15 for oversight of the Good Samaritan.

16 (C) CONNECTION WITH OTHER ACTIVI-  
17 TIES.—The commingling or association of any  
18 other discharge of water or historic mine res-  
19 idue or any activity, project, or operation with  
20 any aspect of a project subject to a Good Sa-  
21 maritan permit shall not limit or reduce the li-  
22 ability of any person associated with the other  
23 discharge of water or historic mine residue or  
24 activity, project, or operation.

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

5 (1) to ensure the functionality of the orphan  
6 mine site; or

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

9 (h) TIMING.—Work authorized under a Good Samar-  
10 itan permit—

11 (1) shall commence, as applicable—

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

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

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

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

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

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

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

10 (4) in the case of a project carried out or pro-  
11 posed to be carried out under the transferred Good  
12 Samaritan permit on land owned by the United  
13 States—

14 (A) the head of the appropriate Federal  
15 land management agency consents to the trans-  
16 fer; and

17 (B) the transferee enters into any applica-  
18 ble special use permit or other land use agree-  
19 ment with that Federal land management agen-  
20 cy.

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

23 (1) consult with prospective applicants;

24 (2) convene, coordinate, and lead the applica-  
25 tion review process;

1           (3) maintain all records relating to the Good  
2 Samaritan permit and the permit process;

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

6                   (A) a public comment period; and

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

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

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

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

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

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

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

5           (l) PUBLIC NOTICE OF RECEIPT OF APPLICA-  
 6           TIONS.—

7           (1) IN GENERAL.—Not later than 30 days after  
 8           the date on which the Administrator receives a com-  
 9           plete application for a Good Samaritan permit, the  
 10          Administrator shall provide to the public a notice  
 11          that—

12                       (A) describes—

13                               (i) the location of the relevant orphan  
 14                               mine site;

15                               (ii) the scope and nature of the pro-  
 16                               posed remediation; and

17                               (iii) the name of the person applying  
 18                               for the Good Samaritan permit; and

19           (B) provides to the public a means of view-  
 20          ing or obtaining the application, including, at a  
 21          minimum, posting the application on the  
 22          website of the Administrator.

23           (2) HEARING.—

24                       (A) IN GENERAL.—Before the date on  
 25          which the Administrator grants a Good Samari-



1           tan permit, if requested, the Administrator  
2           shall hold a public hearing in the vicinity of the  
3           affected orphan mine site.

4                   (B) NOTICE.—Not later than 30 days be-  
5           fore the date of a hearing under subparagraph  
6           (A), the Administrator shall provide to the pub-  
7           lic—

8                           (i) notice of the hearing; and

9                           (ii) a draft Good Samaritan permit.

10                   (C) COMMENTS.—The Administrator shall  
11           provide to the relevant applicant and the public  
12           the opportunity—

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

15                           (ii) to submit written comments to the  
16           Administrator during the 30-day period be-  
17           ginning on the date of the hearing.

18           (m) PERMIT GRANT.—

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

23                           (A) the Administrator determines that—

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

1 (ii) the application described in sub-  
2 section (c) is complete;

3 (iii) the project is designed to reme-  
4 diate historic mine residue at the orphan  
5 mine site to protect public health and the  
6 environment;

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

13 (v) the proposed activities are de-  
14 signed to result in, as compared to the  
15 baseline conditions described in subsection  
16 (c)(6)—

17 (I) improved water or soil quality  
18 or other environmental or safety con-  
19 ditions; or

20 (II) reductions in further threats  
21 to water or soil quality or other envi-  
22 ronmental or 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 establishes the Ad-  
15 ministrator or the head of the  
16 Federal land management agency  
17 as the beneficiary of the third-  
18 party financial assurance mecha-  
19 nism and that allows the Admin-  
20 istrator to retain and use the  
21 funds from the financial assur-  
22 ance mechanism in the event the  
23 Good Samaritan does not com-  
24 plete the remediation under the  
25 Good Samaritan permit; and

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

3 (B) the State or Indian tribe with jurisdic-  
4 tion over land on which the orphan mine site is  
5 located has been given an opportunity to review  
6 and, if necessary, comment on the grant of the  
7 Good Samaritan permit;

8 (C) in the case of a project proposed to be  
9 carried out under the Good Samaritan permit  
10 partially or entirely on land owned by the  
11 United States—

12 (i) the head of the Federal land man-  
13 agement agency with jurisdiction over that  
14 land reviews and concurs with the grant of  
15 the Good Samaritan permit; and

16 (ii) the Good Samaritan has entered  
17 into any applicable special use permit or  
18 other land use agreement with the Federal  
19 land management agency pursuant to ap-  
20 plicable Federal land management law; and

21 (D) the Administrator has provided—

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

23 (ii) a period of public comment and a  
24 public hearing under that subsection, if re-  
25 quested.

1           (2) RELATION TO NEPA.—

2           (A) IN GENERAL.—The grant or modifica-  
3           tion of a Good Samaritan permit by the Admin-  
4           istrator shall not be considered a major Federal  
5           action significantly affecting the quality of the  
6           human environment for purposes of section 102  
7           of the National Environmental Policy Act (42  
8           U.S.C. 4332).

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

15          (3) DEADLINE.—

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

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

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

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

9 (n) EFFECT OF PERMITS.—

10 (1) IN GENERAL.—A Good Samaritan, recipient  
11 of an investigative sampling permit, passive land-  
12 owner, and any cooperating person undertaking re-  
13 mediation activities identified in and carried out pur-  
14 suant to and in full compliance with a Good Samari-  
15 tan permit—

16 (A) shall be considered to be in compliance  
17 with all requirements (including permitting re-  
18 quirements) under the Federal Water Pollution  
19 Control Act (33 U.S.C. 1251 et seq.) (including  
20 any law or regulation implemented by a State  
21 or Indian tribe under section 402 or 404 of the  
22 Federal Water Pollution Control Act (33 U.S.C.  
23 1342, 1344)) and the Comprehensive Environ-  
24 mental Response, Compensation, and Liability  
25 Act of 1980 (42 U.S.C. 9601 et seq.) during

1 the term of the Good Samaritan permit and  
2 after the termination of the Good Samaritan  
3 permit;

4 (B) shall not be required to obtain a per-  
5 mit under, or to comply with, section 301, 302,  
6 306, 307, 402, or 404 of the Federal Water  
7 Pollution Control Act (33 U.S.C. 1311, 1312,  
8 1316, 1317, 1342, 1344), or any State or Trib-  
9 al standards or regulations approved by the Ad-  
10 ministrator under those sections of that Act,  
11 during the term of the Good Samaritan permit  
12 and after the termination of the Good Samari-  
13 tan permit; and

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

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

23 (A) IN GENERAL.—A Good Samaritan or  
24 any cooperating person that carries out any ac-  
25 tivity relating to mineral exploration, proc-



1           essing, beneficiation, or mining, including devel-  
2           opment, that is not authorized by the applicable  
3           Good Samaritan permit shall be subject to all  
4           applicable law.

5           (B) LIABILITY.—Any activity not author-  
6           ized by a Good Samaritan permit, as deter-  
7           mined by the Administrator, may be subject to  
8           liability and enforcement under all applicable  
9           law, including—

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

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

15           (3) NO ENFORCEMENT LIABILITY.—

16           (A) DISCHARGES.—Subject to subpara-  
17           graphs (B) and (C), a Good Samaritan, recipi-  
18           ent of an investigative sampling permit, passive  
19           landowner, or cooperating person that is con-  
20           ducting remediation pursuant to a Good Samar-  
21           itan permit shall not be subject to enforcement,  
22           civil or criminal penalties, citizen suits, or any  
23           other liability (including any liability for re-  
24           sponse costs, natural resource damage, or con-  
25           tribution) under the Federal Water Pollution

1 Control Act (33 U.S.C. 1251 et seq.) (including  
2 under any law or regulation administered by a  
3 State or Indian tribe under that Act) or the  
4 Comprehensive Environmental Response, Com-  
5 pensation, and Liability Act of 1980 (42 U.S.C.  
6 9601 et seq.) for any actions undertaken or for  
7 any past, present, or future releases, threats of  
8 releases, or discharges of hazardous substances,  
9 pollutants, or contaminants at or from the or-  
10 phan mine site that is the subject of the Good  
11 Samaritan permit (including any releases,  
12 threats of releases, or discharges that occurred  
13 prior to the grant of the Good Samaritan per-  
14 mit) during the term of the Good Samaritan  
15 permit and after termination of the Good Sa-  
16 maritan permit.

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

20 (C) VIOLATION OF PERMIT PRIOR TO TER-  
21 MINATION.—Notwithstanding subparagraph  
22 (A), if the Good Samaritan, passive landowner,  
23 or cooperating person violates the terms of the  
24 Good Samaritan permit and that violation re-  
25 sults in surface water quality or other environ-

1           mental conditions that are worse than baseline  
2           conditions at the orphan mine site, the Admin-  
3           istrator—

4                   (i) shall notify the Good Samaritan of  
5                   the violation; and

6                   (ii) may require the Good Samaritan  
7                   to undertake reasonable measures, as de-  
8                   termined by the Administrator, to return  
9                   surface water quality or other environ-  
10                  mental conditions to the condition that ex-  
11                  isted prior to the violation.

12       (o) PUBLIC NOTIFICATION OF ADVERSE EVENT.—A

13   Good Samaritan shall notify all appropriate Federal,  
14   State, Tribal, and local entities of any unplanned or pre-  
15   viously unknown release of historic mine residue caused  
16   by the actions of the Good Samaritan, passive landowner,  
17   or any cooperating person in accordance with—

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

21           (2) section 304 of the Emergency Planning and  
22           Community Right-To-Know Act of 1986 (42 U.S.C.  
23           11004);

24           (3) the Federal Water Pollution Control Act  
25           (33 U.S.C. 1251 et seq.);

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

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

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

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

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

13       (q) EMERGENCY AUTHORITY AND LIABILITY.—

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

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

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

22          (2) LIABILITY.—Except as specifically provided  
23       in this Act, nothing in this Act or a Good Samaritan  
24       permit limits the liability of any person (including a

1 Good Samaritan or any cooperating person) under  
2 any provision of law.

3 (r) TERMINATION OF AUTHORITY.—

4 (1) TERMINATION.—

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

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

16 (i) was submitted not later than 180  
17 days before that date; and

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

21 (2) EFFECT ON CERTAIN PERMITS.—Any Good  
22 Samaritan permit granted by the deadline prescribed  
23 in subparagraph (A) or (B) of paragraph (1), as ap-  
24 plicable, that is in effect on the date that is 7 years

1 after the date of enactment of this Act shall remain  
2 in effect after that date in accordance with—

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

5 (B) this Act.

6 (3) TERMINATION OF PERMIT.—

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

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

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

17 (iii) except as provided in subpara-  
18 graph (B)—

19 (I) on the date that is 18 months  
20 after the date on which the Adminis-  
21 trator granted the Good Samaritan  
22 permit, if the permitted work has not  
23 commenced by that date; or

24 (II) if the grant of the Good Sa-  
25 maritan permit was the subject of a

1                   petition for judicial review, on the  
 2                   date that is 18 months after the date  
 3                   on which the judicial review, including  
 4                   any appeals, has concluded, if the per-  
 5                   mitted work has not commenced by  
 6                   that date.

7                   (B) EXTENSION.—

8                   (i) IN GENERAL.—If the Adminis-  
 9                   trator is otherwise required to terminate a  
 10                  Good Samaritan permit under subpara-  
 11                  graph (A)(iii), the Administrator may  
 12                  grant an extension of the Good Samaritan  
 13                  permit.

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

17                  (4) UNFORESEEN CIRCUMSTANCES.—

18                  (A) IN GENERAL.—The recipient of a Good  
 19                  Samaritan permit or investigative sampling per-  
 20                  mit may seek to modify or terminate the Good  
 21                  Samaritan permit or investigative sampling per-  
 22                  mit to take into account any event or condition  
 23                  that—

24                         (i) significantly reduces the feasibility  
 25                         or significantly increases the cost of com-

1           pleting the remediation project that is the  
 2           subject of the Good Samaritan permit or  
 3           investigative sampling permit;

4           (ii) was not—

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

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

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

13         (B) TERMINATION.—

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

18                   (I) the recipient of the permit  
 19           seeks termination of the permit under  
 20           subparagraph (A);

21                   (II) the factors described in sub-  
 22           paragraph (A) are satisfied; and

23                   (III) the Administrator deter-  
 24           mines that remediation activities con-  
 25           ducted by the Good Samaritan or per-



1 son pursuant to the Good Samaritan  
 2 permit or investigative sampling per-  
 3 mit, respectively, may result in sur-  
 4 face water quality conditions, or any  
 5 other environmental conditions, that  
 6 will be worse than the baseline condi-  
 7 tions, as described in subsection  
 8 (c)(6), as applicable.

9 (ii) EFFECT OF TERMINATION.—Not-  
 10 withstanding the termination of a Good  
 11 Samaritan permit or investigative sampling  
 12 permit under clause (i), the provisions of  
 13 paragraphs (1), (2), and (3) of subsection  
 14 (n) shall continue to apply to the Good Sa-  
 15 maritan, the recipient of an investigative  
 16 sampling permit, and any cooperating per-  
 17 sons after the termination.

18 (5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-  
 19 term operations and maintenance at an orphan mine  
 20 site located on land owned by the United States, the  
 21 project may be considered complete and the Admin-  
 22 istrator may terminate the Good Samaritan permit  
 23 under this subsection if the applicable Good Samari-  
 24 tan has entered into an agreement with the applica-  
 25

1 ble Federal land management agency or a cooper-  
2 ating person for the long-term operations and main-  
3 tenance that includes sufficient funding for the long-  
4 term operations and maintenance.

5 (s) REGULATIONS.—

6 (1) IN GENERAL.—Subject to paragraph (2),  
7 not later than 1 year after the date of enactment of  
8 this Act, the Administrator, in consultation with the  
9 Secretary of the Interior and the Secretary of Agri-  
10 culture, and appropriate State, Tribal, and local offi-  
11 cials, shall promulgate regulations to establish—

12 (A) requirements for remediation plans de-  
13 scribed in subsection (c); and

14 (B) any other requirement that the Admin-  
15 istrator determines to be necessary to carry out  
16 this Act.

17 (2) SPECIFIC REQUIREMENTS BEFORE PROMUL-  
18 GATION OF REGULATIONS.—Before the date on  
19 which the Administrator promulgates regulations  
20 under paragraph (1), the Administrator may estab-  
21 lish, on a case-by-case basis, specific requirements  
22 that the Administrator determines would facilitate  
23 the implementation of this subsection with respect to  
24 a Good Samaritan permitting program.

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

2 (a) ESTABLISHMENT.—There is established in the  
3 Treasury of the United States a Good Samaritan Mine  
4 Remediation Fund (referred to in this section as a  
5 “Fund”) for each Federal land management agency that  
6 authorizes a Good Samaritan to conduct a project on Fed-  
7 eral land under the jurisdiction of that Federal land man-  
8 agement agency under a Good Samaritan permit.

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

10 (1) amounts provided in appropriation Acts;

11 (2) any reimbursements for the costs of over-  
12 sight received under section 4(f)(5)(B)(ii);

13 (3) any financial assurance funds collected from  
14 an agreement described in section  
15 4(m)(1)(A)(vi)(V)(bb);

16 (4) any funds collected for long-term operations  
17 and maintenance under an agreement under section  
18 4(r)(5);

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

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

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

25 (1) maintained as readily available or on de-  
26 posit;

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

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

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

11          (e) LIMITATION.—Amounts in each Fund may only  
12          be used for the Good Samaritan project for which the  
13          funds were deposited.

14       **SEC. 6. REPORT TO CONGRESS.**

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

24          (b) INCLUSIONS.—The report under subsection (a)  
25          shall include—

1 (1) a description of—

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

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

7 (2) qualitative and quantitative data on the re-  
8 sults achieved under the Good Samaritan permits  
9 before the date of issuance of the report;

10 (3) a description of—

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

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

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

18 (5) recommendations on whether the Good Sa-  
19 maritan pilot program under this Act should be con-  
20 tinued, including a description of any modifications  
21 (including amendments to existing law) required to  
22 continue administering this Act.

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