

(c) Request for action to restrain interference with regard to this subchapter

The Secretary or the State pursuant to an approved State program, may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this subchapter, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this subchapter.

(d) Construct and operate plants for control and treatment of water pollution resulting from mine drainage

The Secretary or the State pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: *Provided*, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) [33 U.S.C. 1251 et seq.] and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

(e) Transfer funds

The Secretary may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this subchapter.

(Pub. L. 95-87, title IV, § 413, formerly § 412, Aug. 3, 1977, 91 Stat. 466, renumbered § 413, Pub. L. 101-508, title VI, § 6010(1), Nov. 5, 1990, 104 Stat. 1388-296.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended), referred to in subsec. (d), is act June 30, 1948, ch. 758, 62 Stat. 1155, formerly classified to chapter 23 (§1151 et seq.) of Title 33, Navigation and Navigable Waters, which was completely revised by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, and is classified generally to chapter 26 (§1251 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

PRIOR PROVISIONS

A prior section 413 of Pub. L. 95-87 was renumbered section 414 and is classified to section 1243 of this title.

§ 1243. Interagency cooperation

All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this subchapter.

(Pub. L. 95-87, title IV, § 414, formerly § 413, Aug. 3, 1977, 91 Stat. 467, renumbered § 414, Pub. L.

101-508, title VI, § 6010(1), Nov. 5, 1990, 104 Stat. 1388-296.)

§ 1244. Remining incentives

(a) In general

Notwithstanding any other provision of this chapter, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 1234 of this title in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

(b) Requirements

Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in subchapter V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

(c) Incentives

(1) In general

Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

(A) a rebate or waiver of the reclamation fees required under section 1232(a) of this title; and

(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 1259 of this title.

(2) Limitations

(A) Use

A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

(i) remove or reprocess abandoned coal mine waste; or

(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 1233(a) of this title.

(B) Amount

The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.

(Pub. L. 95-87, title IV, § 415, as added Pub. L. 109-432, div. C, title II, § 207, Dec. 20, 2006, 120 Stat. 3018.)

§ 1245. Abandoned hardrock mine reclamation

(a) Establishment

Not later than 90 days after November 15, 2021, the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.

(b) Award of grants

Subject to the availability of funds, the Secretary shall provide grants on a competitive or formula basis to States and Indian Tribes that have jurisdiction over abandoned hardrock mine land to reclaim that land.

(c) Eligibility

Amounts made available under this section may only be used for Federal, State, Tribal, local, and private land that has been affected by past hardrock mining activities, and water resources that traverse or are contiguous to such land, including any of the following:

(1) Land and water resources that were—

(A) used for, or affected by, hardrock mining activities; and

(B) abandoned or left in an inadequate reclamation status before November 15, 2021.

(2) Land for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, liable party, operator, or other person that abandoned the site prior to completion of required reclamation under Federal or State law.

(d) Eligible activities**(1) In general**

Amounts made available to carry out this section shall be used to inventory, assess, de-commission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on the priorities described in subsection (a).

(2) Exclusion

Amounts made available to carry out this section may not be used to fulfill obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) agreed to in a legal settlement or imposed by a court, whether for payment of funds or for work to be performed.

(e) Authorization of appropriations**(1) In general**

There is authorized to be appropriated to carry out this section \$3,000,000,000, to remain available until expended, of which—

(A) 50 percent shall be for grants to States and Indian Tribes under subsection (b) for eligible activities described in subsection (d)(1); and

(B) 50 percent shall be for available to the Secretary for eligible activities described in subsection (d)(1) on Federal land.

(2) Transfer

The Secretary may transfer amounts made available to the Secretary under paragraph (1)(B) to the Secretary of Agriculture for activities described in subsection (a) on National Forest System land.

(Pub. L. 117–58, div. D, title VII, §40704, Nov. 15, 2021, 135 Stat. 1093.)

Editorial Notes

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in sub-

sec. (d)(2), is Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

GOOD SAMARITAN REMEDIATION OF ABANDONED
HARDROCK MINES

Pub. L. 118–155, Dec. 17, 2024, 138 Stat. 1692, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) ABANDONED HARDROCK MINE SITE.—

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

“(i) that was used for the production of a mineral other than coal conducted on Federal land under sections 2319 through 2352 of the Revised Statutes (commonly known as the ‘Mining Law of 1872’; 30 U.S.C. 22 et seq.) [sections 2319 to 2328, 2331, 2333 to 2337, and 2344 of the Revised Statutes, 30 U.S.C. 22–24, 26–28, 29, 30, 33–35, 37, 39–42, 47] or on non-Federal land; and

“(ii) for which, based on information supplied by the Good Samaritan after review of publicly available data and after review of other information in the possession of the Administrator, the Administrator or, in the case of a site on land owned by the United States, the Federal land management agency, determines that no responsible owner or operator has been identified—

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

“(II) other than, in the case of a mine site located on land owned by the United States, a Federal land management agency that has not been involved in mining activity on that land, except that the approval of a plan of operations under the hardrock mining regulations of the applicable Federal land management agency shall not be considered involvement in the mining activity.

“(B) INCLUSION.—The term ‘abandoned hardrock mine site’ includes a hardrock mine site (including associated facilities) that was previously the subject of a completed response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program, including the remediation of mine-scarred land under the brownfields revitalization program under section 104(k) of that Act (42 U.S.C. 9604(k)).

“(C) EXCLUSIONS.—The term ‘abandoned hardrock mine site’ does not include a mine site (including associated facilities)—

- “(i) in a temporary shutdown or cessation;
- “(ii) included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or proposed for inclusion on that list;
- “(iii) that is the subject of a planned or ongoing response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or a similar Federal and State reclamation or cleanup program;
- “(iv) that has a responsible owner or operator; or
- “(v) that actively mined or processed minerals after December 11, 1980.
- “(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.
- “(3) APPLICABLE WATER QUALITY STANDARDS.—The term ‘applicable water quality standards’ means the water quality standards promulgated by the Administrator or adopted by a State or Indian tribe and approved by the Administrator pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
- “(4) BASELINE CONDITIONS.—The term ‘baseline conditions’ means the concentrations, locations, and releases of any hazardous substances, pollutants, or contaminants, as described in the Good Samaritan permit, present at an abandoned hardrock mine site prior to undertaking any action under this Act.
- “(5) COOPERATING PERSON.—
- “(A) IN GENERAL.—The term ‘cooperating person’ means any person that is named by the Good Samaritan in the permit application as a cooperating entity.
- “(B) EXCLUSIONS.—The term ‘cooperating person’ does not include—
- “(i) a responsible owner or operator with respect to the abandoned hardrock mine site described in the permit application;
- “(ii) a person that had a role in the creation of historic mine residue at the abandoned hardrock mine site described in the permit application; or
- “(iii) a Federal agency.
- “(6) COVERED PERMIT.—The term ‘covered permit’ means—
- “(A) a Good Samaritan permit; and
- “(B) an investigative sampling permit.
- “(7) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means any Federal agency authorized by law or executive order to exercise jurisdiction, custody, or control over land owned by the United States.
- “(8) GOOD SAMARITAN.—The term ‘Good Samaritan’ means a person that, with respect to historic mine residue, as determined by the Administrator—
- “(A) is not a past or current owner or operator of—
- “(i) the abandoned hardrock mine site at which the historic mine residue is located; or
- “(ii) a portion of that abandoned hardrock mine site;
- “(B) had no role in the creation of the historic mine residue; and
- “(C) is not potentially liable under any Federal, State, Tribal, or local law for the remediation, treatment, or control of the historic mine residue.
- “(9) GOOD SAMARITAN PERMIT.—The term ‘Good Samaritan permit’ means a permit granted by the Administrator under section 4(a)(1).
- “(10) HISTORIC MINE RESIDUE.—
- “(A) IN GENERAL.—The term ‘historic mine residue’ means mine residue or any condition at an abandoned hardrock mine site resulting from hardrock mining activities.
- “(B) INCLUSIONS.—The term ‘historic mine residue’ includes—
- “(i) previously mined ores and minerals other than coal that contribute to acid mine drainage or other pollution;
- “(ii) equipment (including materials in equipment);
- “(iii) any tailings facilities, heap leach piles, dump leach piles, waste rock, overburden, slag piles, or other waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an abandoned hardrock mine site;
- “(iv) any acidic or otherwise polluted flow in surface water or groundwater that originates from, or is pooled and contained in, an inactive or abandoned hardrock mine site, such as underground workings, open pits, in-situ leaching operations, ponds, or impoundments;
- “(v) any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601));
- “(vi) any pollutant or contaminant (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); and
- “(vii) any pollutant (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).
- “(11) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in—
- “(A) section 518(h) of the Federal Water Pollution Control Act (33 U.S.C. 1377(h)); or
- “(B) section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).
- “(12) INVESTIGATIVE SAMPLING PERMIT.—The term ‘investigative sampling permit’ means a permit granted by the Administrator under section 4(d)(1).
- “(13) PERSON.—The term ‘person’ means any entity described in—
- “(A) section 502(5) of the Federal Water Pollution Control Act (33 U.S.C. 1362(5)); or
- “(B) section 101(21) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(21)).
- “(14) REMEDIATION.—
- “(A) IN GENERAL.—The term ‘remediation’ means any action taken to investigate, characterize, or cleanup, in whole or in part, a discharge, release, or threat of release of a hazardous substance, pollutant, or contaminant into the environment at or from an abandoned hardrock mine site, or to otherwise protect and improve human health and the environment.
- “(B) INCLUSION.—The term ‘remediation’ includes any action to remove, treat, or contain historic mine residue to prevent, minimize, or reduce—
- “(i) the release or threat of release of a hazardous substance, pollutant, or contaminant that would harm human health or the environment; or
- “(ii) a migration or discharge of a hazardous substance, pollutant, or contaminant that would harm human health or the environment.
- “(C) EXCLUSION.—The term ‘remediation’ does not include any action that requires plugging, opening, or otherwise altering the portal or adit of the abandoned hardrock mine site.
- “(15) RESERVATION.—The term ‘reservation’ has the meaning given the term ‘Indian country’ in section 1151 of title 18, United States Code.
- “(16) RESPONSIBLE OWNER OR OPERATOR.—The term ‘responsible owner or operator’ means a person that is—
- “(A)(i) legally responsible under section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311) for a discharge that originates from an abandoned hardrock mine site; and
- “(ii) financially able to comply with each requirement described in that section; or
- “(B)(i) a present or past owner or operator or other person that is liable with respect to a release or threat of release of a hazardous substance, pollutant, or contaminant associated with the historic

mine residue at or from an abandoned hardrock mine site under section 104, 106, 107, or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606, 9607, 9613); and

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

“SEC. 3. SCOPE.

“Nothing in this Act—

“(1) except as provided in section 4(n), reduces any existing liability under Federal, State, or local law;

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

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

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

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

“SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARITAN PILOT PROJECT AUTHORIZATION.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Administrator shall establish a pilot program under which the Administrator shall grant not more than 15 Good Samaritan permits to carry out projects to remediate historic mine residue at any portions of abandoned hardrock mine sites in accordance with this Act.

“(2) OVERSIGHT OF PERMITS.—The Administrator may oversee the remediation project under paragraph (1), and any action taken by the applicable Good Samaritan or any cooperating person under the applicable Good Samaritan permit, for the duration of the Good Samaritan permit, as the Administrator determines to be necessary to review the status of the project.

“(3) SUNSET.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the pilot program described in paragraph (1) shall terminate on the date that is 7 years after the date of enactment of this Act [Dec. 17, 2024].

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

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

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

“(C) EFFECT ON CERTAIN PERMITS.—Any Good Samaritan permit granted by the deadline prescribed in subparagraph (A) or (B), as applicable, that is in effect on the date that is 7 years after the date of enactment of this Act shall remain in effect after that date in accordance with—

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

“(ii) this Act.

“(b) GOOD SAMARITAN PERMIT ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a Good Samaritan permit to carry out a project to remediate an abandoned hardrock mine site, a person shall demonstrate that, as determined by the Administrator—

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

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

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

“(D) the proposed project poses a low risk to the environment, as determined by the Administrator;

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

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

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

“(II) to address any contingencies identified in the Good Samaritan permit application described in subsection (c);

“(ii) possesses the proper and appropriate experience and capacity to complete the permitted work; and

“(iii) will complete the permitted work; and

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

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

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

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

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

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

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

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

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

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

“(6) to the satisfaction of the Administrator and subject to subsection (d), a description of the baseline conditions caused by the historic mine residue to be remediated that includes—

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

“(B) the flow rate and concentration of any drainage of historic mine residue or other discharge from the abandoned hardrock mine site in any body of

water that has resulted in an adverse impact described in subparagraph (A); and

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

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

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

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

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

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

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

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

“(i) designed to—

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

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

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

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

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

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

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

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

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

“(10) a specific contingency plan that—

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

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

“(11) subject to subsection (d), a project budget and description of financial resources that demonstrate that the permitted work, including any operation and maintenance, will be completed;

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

ations and maintenance of remediation activities that may be—

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

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

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

“(14) subject to subsection (d), a description of any planned post-remediation monitoring, if necessary; and

“(15) subject to subsection (d), any other appropriate information, as determined by the Administrator or the applicant.

“(d) INVESTIGATIVE SAMPLING.—

“(1) INVESTIGATIVE SAMPLING PERMITS.—The Administrator may grant an investigative sampling permit for a period determined by the Administrator to authorize a Good Samaritan to conduct investigative sampling of historic mine residue, soil, sediment, or water to determine—

“(A) baseline conditions; and

“(B) whether the Good Samaritan—

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

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

“(2) NUMBER OF PERMITS.—

“(A) LIMITATION.— Subject to subparagraph (B), the Administrator may grant not more than 15 investigative sampling permits.

“(B) APPLICABILITY TO CONVERTED PERMITS.—An investigative sampling permit that is not converted to a Good Samaritan permit pursuant to paragraph (5) may be eligible for reissuance by the Administrator subject to the overall total of not more than 15 investigative sampling permits allowed at any 1 time described in subparagraph (A).

“(3) APPLICATION.—If a Good Samaritan proposes to conduct investigative sampling, the Good Samaritan shall submit to the Administrator an investigative sampling permit application that contains, to the satisfaction of the Administrator—

“(A) each description required under paragraphs (1), (2), and (5) of subsection (c);

“(B) to the extent reasonably known to the applicant, any previously documented water quality data describing conditions at the abandoned hardrock mine site;

“(C) the evidence required under subsection (c)(3);

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

“(E) a detailed plan of the investigative sampling.

“(4) REQUIREMENTS.—

“(A) IN GENERAL.—If a person submits an application that proposes only investigative sampling of historic mine residue, soil, sediment, or water that only includes the requirements described in paragraph (1), the Administrator may grant an investigative sampling permit that authorizes the person only to carry out the plan of investigative sampling of historic mine residue, soil, sediment, or water, as described in the investigative sampling permit application under paragraph (3).

“(B) REPROCESSING.—An investigative sampling permit—

“(i) shall not authorize a Good Samaritan or cooperating person to conduct any reprocessing of material; and

“(ii) may authorize metallurgical testing of historic mine residue to determine whether reprocessing under subsection (f)(4)(B) is feasible.

“(C) REQUIREMENTS RELATING TO SAMPLES.—In conducting investigative sampling of historic mine residue, soil, sediment, or water, a Good Samaritan shall—

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

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

“(5) PERMIT CONVERSION.—Not later than 1 year after the date on which the investigative sampling under the investigative sampling permit concludes, a Good Samaritan to whom an investigative sampling permit is granted under paragraph (1) may apply to convert an investigative sampling permit into a Good Samaritan permit under subsection (e)(1).

“(6) PERMIT NOT CONVERTED.—

“(A) IN GENERAL.—Subject to subparagraph (B)(ii)(I), a Good Samaritan who obtains an investigative sampling permit may decline—

“(i) to apply to convert the investigative sampling permit into a Good Samaritan permit under paragraph (5); and

“(ii) to undertake remediation activities on the site where investigative sampling was conducted on conclusion of investigative sampling.

“(B) EFFECT OF LACK OF CONVERSION.—

“(i) IN GENERAL.—Notwithstanding a refusal by a Good Samaritan to convert an investigative sampling permit into a Good Samaritan permit under subparagraph (A), but subject to clause (ii), the provisions of paragraphs (1) through (4) [probably should be “(3)”] of subsection (n) shall continue to apply to the Good Samaritan and any cooperating persons after the refusal to convert.

“(ii) DEGRADATION OF SURFACE WATER QUALITY.—

“(I) OPPORTUNITY TO CORRECT.—If, before the date on which a Good Samaritan refuses to convert an investigative sampling permit under subparagraph (A), actions by the Good Samaritan or any cooperating person have caused conditions at the abandoned hardrock mine site to be measurably worse, as determined by the Administrator, when compared to conditions described pursuant to paragraph (3)(B), if applicable, the Administrator shall provide the Good Samaritan or cooperating person, as applicable, the opportunity to return the conditions at the abandoned hardrock mine site to those conditions.

“(II) EFFECT.—If, pursuant to subclause (I), the applicable Good Samaritan or cooperating person does not return the surface water quality at the abandoned hardrock mine site to conditions described pursuant to paragraph (3)(B), if applicable, as determined by the Administrator, clause (i) shall not apply to the Good Samaritan or any cooperating persons.

“(e) INVESTIGATIVE SAMPLING CONVERSION.—

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

“(2) APPLICATION.—

“(A) INVESTIGATIVE SAMPLING.—An application for the conversion of an investigative sampling permit under paragraph (1) shall include any requirement described in subsection (c) that was not included in full in the application submitted under subsection (d)(3).

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

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

“(ii) a public hearing, if requested.

“(f) CONTENT OF PERMITS.—

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

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

“(B)(i) a provision that states that the Good Samaritan is responsible for securing, for all activities authorized under the Good Samaritan permit,

all authorizations, licenses, and permits that are required under applicable law except for—

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

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

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

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

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

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

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

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

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

“(A) an act of God;

“(B) an act of war;

“(C) negligence on the part of the United States;

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

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

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

“(iii) uses reasonable efforts—

“(I) to anticipate any potential force majeure;

and

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

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

“(3) MONITORING.—

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

“(B) MULTIPARTY MONITORING.—The Administrator may approve in a Good Samaritan permit the monitoring by multiple cooperating persons if, as determined by the Administrator—

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

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

“(4) OTHER DEVELOPMENT.—

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

“(i) authorized by this Act; or

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

“(B) REPROCESSING OF MATERIALS.—A Good Samaritan may reprocess materials recovered during the implementation of a remediation plan only if—

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

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

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

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

“(II) to the extent required by the Good Samaritan permit, to reimburse the Administrator or the head of a Federal land management agency for the purpose of carrying out this Act;

“(iv) any remaining proceeds are deposited into the appropriate Good Samaritan Mine Remediation Fund established by section 5(a); and

“(v) the materials only include historic mine residue.

“(C) CONNECTION WITH OTHER ACTIVITIES.—The commingling or association of any other discharge of water or historic mine residue or any activity, project, or operation conducted on or after the date of enactment of this Act [Dec. 17, 2024] with any aspect of a project subject to a Good Samaritan permit shall not limit or reduce the liability of any person associated with the other discharge of water or historic mine residue or activity, project, or operation.

“(g) ADDITIONAL WORK.—A Good Samaritan permit may (subject to subsection (r)(5) in the case of a project located on Federal land) allow the Good Samaritan to return to the abandoned hardrock mine site after the completion of the remediation to perform operations and maintenance or other work—

“(1) to ensure the functionality of completed remediation activities at the abandoned hardrock mine site; or

“(2) to protect public health and the environment.

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

“(1) shall commence, as applicable—

“(A) not later than the date that is 18 months after the date on which the Administrator granted the Good Samaritan permit, unless the Administrator grants an extension under subsection (r)(2)(A); or

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

“(2) shall continue until completed, with temporary suspensions permitted during adverse weather or other conditions specified in the Good Samaritan permit.

“(i) TRANSFER OF PERMITS.—A Good Samaritan permit may be transferred to another person only if—

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

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

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

“(4) in the case of a project under the Good Samaritan permit on land owned by the United States, the head of the applicable Federal land management agency approves the transfer.

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

“(1) the Administrator shall—

“(A) consult with prospective applicants;

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

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

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

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

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

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

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

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

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

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

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

“(k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—As soon as practicable, but not later than 14 days after the date on which the Administrator receives an application for the remediation of an abandoned hardrock mine site under this section that, as determined by the Administrator, is complete and meets all applicable requirements of subsection (c), the Administrator shall provide notice and a copy of the application to—

“(1) each local government with jurisdiction over a drinking water utility, and each Indian tribe with reservation or off-reservation treaty rights to land or water, located downstream from or otherwise near a proposed remediation project that is reasonably anticipated to be impacted by the remediation project or a potential release of contaminants from the abandoned hardrock mine site, as determined by the Administrator;

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

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

“(l) ENVIRONMENTAL REVIEW AND PUBLIC COMMENT.—

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

“(2) RELATION TO NEPA.—

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

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

“(i) in the case of a proposed project on land owned by the United States that is managed by only 1 Federal land management agency, the applicable Federal land management agency;

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

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

“(iv) in the case of a proposed project on land owned by the United States that is managed by more than 1 Federal land management agency, the Federal land management agency selected by the Administrator to be the lead agency, after consultation with the applicable Federal land management agencies.

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

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

“(E) SINGLE NEPA DOCUMENT.—The lead agency described in subparagraph (B) may conduct a single environmental assessment for—

“(i) the issuance of a Good Samaritan permit;

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

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

“(F) NO SIGNIFICANT IMPACT.—

“(i) IN GENERAL.—A Good Samaritan permit may only be issued if, after an environmental assessment, the head of the lead agency issues a finding of no significant impact (as defined in section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e)).

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

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

“(i) the Administrator; and

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

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

“(m) PERMIT GRANT.—

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

“(A) the Administrator determines that—

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

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

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

“(iv) the proposed project is designed to meet all other goals, as determined by the Administrator, including any goals set forth in the application for the Good Samaritan permit that are accepted by the Administrator;

“(v) the proposed activities, as compared to the baseline conditions described in the permit, will make measurable progress toward achieving—

“(I) applicable water quality standards;

“(II) improved soil quality;

“(III) improved sediment quality;

“(IV) other improved environmental or safety conditions; or

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

“(vi) the applicant has—

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

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

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

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

“(V) demonstrated, to the satisfaction of the Administrator, that—

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

“(bb) the applicant has established a third-party financial assurance mechanism, such as a corporate guarantee from a parent or other corporate affiliate, letter of credit, trust, surety bond, or insurance to assure that funds are available to complete the permitted work, including for operations and maintenance and to address potential contingencies, that—

“(AA) establishes the Administrator or the head of the Federal land management agency as the beneficiary of the third-party financial assurance mechanism; and

“(BB) allows the Administrator to retain and use the funds from the financial assurance mechanism in the event the Good Samaritan does not complete the remediation under the Good Samaritan permit; and

“(vi) the project meets the requirements of this Act;

“(B) the State or Indian tribe with jurisdiction over land on which the abandoned hardrock mine site is located has been given an opportunity to review and, if necessary, comment on the grant of the Good Samaritan permit;

“(C) in the case of a project proposed to be carried out under the Good Samaritan permit partially or entirely on land owned by the United States, pursuant to subsection (l), the head of the applicable Federal land management agency has signed a decision document approving the proposed project; and

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

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

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

“(2) DEADLINE.—

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

“(i) the date that is 180 days after the date of receipt by the Administrator of an application for the Good Samaritan permit that, as determined by the Administrator, is complete and meets all applicable requirements of subsection (c); or

“(ii) such later date as may be determined by the Administrator with notification provided to the applicant.

“(B) CONSTRUCTIVE DENIAL.—If the Administrator fails to grant or deny a Good Samaritan permit by the applicable deadline described in subparagraph

(A), the application shall be considered to be denied.

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

“(n) EFFECT OF PERMITS.—

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

“(A) shall be considered to be in compliance with all requirements (including permitting requirements) under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including any law or regulation implemented by a State or Indian tribe under section 402 or 404 of that Act (33 U.S.C. 1342, 1344)) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable;

“(B) shall not be required to obtain a permit under, or to comply with, section 301, 302, 306, 307, 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311, 1312, 1316, 1317, 1342, 1344), or any State or Tribal standards or regulations approved by the Administrator under those sections of that Act, during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable; and

“(C) shall not be required to obtain any authorizations, 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) UNAUTHORIZED ACTIVITIES.—

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

“(B) LIABILITY.—Any activity not authorized by a covered 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 OR LIABILITY FOR GOOD SAMARITANS.—

“(A) IN GENERAL.—Subject to subparagraphs (D) and (E), a Good Samaritan or cooperating person that is conducting a remediation activity identified in, pursuant to, and in compliance with a covered permit shall not be subject to enforcement or liability described in subparagraph (B) for—

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

“(ii) any past, present, or future releases, threats of releases, or discharges of hazardous substances, pollutants, or contaminants at or from the abandoned hardrock mine site that is the subject of the covered permit (including any releases, threats of releases, or discharges that occurred prior to the grant of the covered permit).

“(B) ENFORCEMENT OR LIABILITY DESCRIBED.—Enforcement or liability referred to in subparagraph (A) is enforcement, civil or criminal penalties, cit-

izen suits and any liabilities for response costs, natural resource damage, or contribution under—

“(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including under any law or regulation administered by a State or Indian tribe under that Act); or

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

“(C) DURATION OF APPLICABILITY.—Subparagraph (A) shall apply during the term of the covered permit, after the termination of the Good Samaritan permit, and after declining to convert an investigative sampling permit into a Good Samaritan permit, as applicable.

“(D) OTHER PARTIES.—Nothing in subparagraph (A) limits the liability of any person that is not described in that subparagraph.

“(E) DECLINE IN ENVIRONMENTAL CONDITIONS.—Notwithstanding subparagraph (A), if a Good Samaritan or cooperating person fails to comply with any term, condition, or limitation of a covered permit and that failure results in surface water quality or other environmental conditions that the Administrator determines are measurably worse than the baseline conditions as described in the permit (in the case of a Good Samaritan permit) or the conditions as described pursuant to subsection (d)(3)(B), if applicable (in the case of an investigative sampling permit), at the abandoned hardrock mine site, the Administrator shall—

“(i) notify the Good Samaritan or cooperating person, as applicable, of the failure to comply; and

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

“(F) FAILURE TO CORRECT.—Subparagraph (A) shall not apply to a Good Samaritan or cooperating person that fails to take any actions required under subparagraph (E)(ii) within a reasonable period of time, as established by the Administrator.

“(G) MINOR OR CORRECTED PERMIT VIOLATIONS.—For purposes of this paragraph, the failure to comply with a term, condition, or limitation of a Good Samaritan permit or investigative sampling permit shall not be considered a permit violation or non-compliance with that permit if—

“(i) that failure or noncompliance does not result in a measurable adverse impact, as determined by the Administrator, on water quality or other environmental conditions; or

“(ii) the Good Samaritan or cooperating person complies with subparagraph (E)(ii).

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

“(1) section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603);

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

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

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

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

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

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

“(2) section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)), subject to the condition that the recipient of the funding is otherwise eligible under that section to receive a grant to assess or remediate contamination at the site covered by the Good Samaritan permit.

“(q) EMERGENCY AUTHORITY AND LIABILITY.—

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

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

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

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

“(r) TERMINATION OF GOOD SAMARITAN PERMIT.—

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

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

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

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

“(i) on the date that is 18 months after the date on which the Administrator granted the Good Samaritan permit, if the permitted work has not commenced by that date; or

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

“(2) EXTENSION.—

“(A) IN GENERAL.—If the Administrator is otherwise required to terminate a Good Samaritan permit under paragraph (1)(C), the Administrator may grant an extension of the Good Samaritan permit.

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

“(3) EFFECT OF TERMINATION.—

“(A) IN GENERAL.—Notwithstanding the termination of a Good Samaritan permit under paragraph (1), but subject to subparagraph (B), the provisions of paragraphs (1) through (4) [probably should be “(3)”] of subsection (n) shall continue to apply to the Good Samaritan and any cooperating persons after the termination, including to any long-term operations and maintenance pursuant to the agreement under paragraph (5).

“(B) DEGRADATION OF SURFACE WATER QUALITY.—

“(i) OPPORTUNITY TO RETURN TO BASELINE CONDITIONS.—If, at the time that 1 or more of the conditions described in paragraph (1) are met but before the Good Samaritan permit is terminated, actions by the Good Samaritan or cooperating person have caused surface water quality at the abandoned hardrock mine site to be measurably worse, as determined by the Administrator, when compared to baseline conditions described in the permit, the Administrator shall, before terminating the Good Samaritan permit, provide the Good Samaritan or cooperating person, as applicable, the opportunity to return surface water quality to those baseline conditions.

“(ii) EFFECT.—If, pursuant to clause (i), the applicable Good Samaritan or cooperating person does not return the surface water quality at the abandoned hardrock mine site to the baseline

conditions described in the permit, as determined by the Administrator, subparagraph (A) shall not apply to the Good Samaritan or any cooperating persons.

“(4) UNFORESEEN CIRCUMSTANCES.—

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

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

“(ii) was not—

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

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

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

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

“(i) the recipient of the Good Samaritan permit seeks termination of the permit under subparagraph (A);

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

“(iii) the Administrator determines that remediation activities conducted by the Good Samaritan or cooperating person pursuant to the Good Samaritan permit may result in surface water quality conditions, or any other environmental conditions, that will be worse than the baseline conditions, as described in the Good Samaritan permit, as applicable.

“(5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-term operations and maintenance at an abandoned hardrock mine site located on land owned by the United States, the project may be considered complete and the Administrator, in coordination with the applicable Federal land management agency, 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), the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, Tribal, and local officials, may promulgate any regulations that the Administrator determines to be necessary to carry out this Act.

“(2) GUIDANCE IF NO REGULATIONS PROMULGATED.—

“(A) IN GENERAL.—If the Administrator does not initiate a regulatory process to promulgate regulations under paragraph (1) within 180 days after the date of enactment of this Act [Dec. 17, 2024], the Administrator, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and appropriate State, Tribal, and local officials, shall issue guidance establishing specific requirements that the Administrator determines would facilitate the implementation of this section.

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

“SEC. 5. SPECIAL ACCOUNTS.

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

“(1) each Federal land management agency that authorizes a Good Samaritan to conduct a project on

Federal land under the jurisdiction of that Federal land management agency under a Good Samaritan permit; and

“(2) the Environmental Protection Agency.

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

“(1) amounts provided in appropriation Acts;

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

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

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

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

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

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

“SEC. 6. REPORT TO CONGRESS.

“(a) IN GENERAL.—Not later than 8 years after the date of enactment of this Act [Dec. 17, 2024], the Administrator, in consultation with the heads of Federal land management agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Natural Resources of the House of Representatives a report evaluating the Good Samaritan pilot program under this Act.

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

“(1) a description of—

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

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

“(2) interim or final qualitative and quantitative data on the results achieved under the Good Samaritan permits before the date of issuance of the report;

“(3) a description of—

“(A) any problems encountered in administering this Act; and

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

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

“(5) recommendations on whether the Good Samaritan pilot program under this Act should be continued, including a description of any modifications (including amendments to existing law) required to continue administering this Act.”

DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

SUBCHAPTER V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

§ 1251. Environmental protection standards

(a) Not later than the end of the ninety-day period immediately following August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering an interim regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based

on and incorporating the provisions set out in section 1252(c) of this title. The issuance of the interim regulations shall be deemed not to be a major Federal action within the meaning of section 4332(2)(c)¹ of title 42. Such regulations, which shall be concise and written in plain, understandable language shall not be promulgated and published by the Secretary until he has—

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than thirty days after such publication to submit written comments thereon;

(B) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.]; and the Clean Air Act, as amended [42 U.S.C. 7401 et seq.]; and

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

(b) Not later than one year after August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations performance standards based on and conforming to the provisions of this subchapter and establishing procedures and requirements for preparation, submission, and approval of State programs; and development and implementation of Federal programs under the subchapter. The Secretary shall promulgate these regulations, which shall be concise and written in plain, understandable language in accordance with the procedures in subsection (a).

(Pub. L. 95-87, title V, § 501, Aug. 3, 1977, 91 Stat. 467.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (a)(B), is act June 30, 1948, ch. 758, 62 Stat. 1155, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Clean Air Act, referred to in subsec. (a)(B), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

§ 1251a. Abandoned coal refuse sites

(1) Notwithstanding any other provision of the Surface Mining Control and Reclamation Act of

¹ So in original. Probably should be “4332(2)(C)”.