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118TH CONGRESS
2D SESSION

H. R. 7779

[Report No. 118–823, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2024

Ms. MALOY (for herself, Mrs. PELTOLA, Mr. CURTIS, Ms. LEE of Nevada, Mr. FULCHER, Mr. COSTA, and Mr. MOORE of Utah) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 6, 2024

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 6, 2024

Committee on Energy and Commerce discharged

DECEMBER 6, 2024

Referred to the Committee on Natural Resources, extended for period ending not later than December 19, 2024

DECEMBER 11, 2024

Additional sponsors: Ms. PETERSEN, Mr. OWENS, Mr. NEGUSE, Mr. HORSFORD, Mr. ZINKE, Mr. SIMPSON, Mr. JOHNSON of South Dakota, Ms. SCHRIER, Mr. AMODEI, Ms. TITUS, Mrs. BOEBERT, Mr. CROW, Mr. NEHLS, Mr. BEAN of Florida, Mr. CRAWFORD, Mr. GRAVES of Louisiana, Mr. FONG, Mrs. SYKES, Mr. STAUBER, Mrs. LESKO, Mr. VASQUEZ, Mr. SCHIFF, Mr. THOMPSON of California, Ms. CARAVEO, Mr. CRANE, Mr. GALLEGO, Ms. LEGER FERNANDEZ, Mr. NEWHOUSE, Mr. STANTON, and Mr. THOMPSON of Pennsylvania

DECEMBER 11, 2024

Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 21, 2024]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *ABANDONED HARDROCK MINE SITE.*—

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

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

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

1 *in the case of a site on land owned by the*
2 *United States, the Federal land manage-*
3 *ment agency, determines that no responsible*
4 *owner or operator has been identified—*

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

9 *(II) other than, in the case of a*
10 *mine site located on land owned by the*
11 *United States, a Federal land manage-*
12 *ment agency that has not been involved*
13 *in mining activity on that land, except*
14 *that the approval of a plan of oper-*
15 *ations under the hardrock mining regu-*
16 *lations of the applicable Federal land*
17 *management agency shall not be con-*
18 *sidered involvement in the mining ac-*
19 *tivity.*

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

1 1980 (42 U.S.C. 9601 et seq.) or a similar Fed-
2 eral and State reclamation or cleanup program,
3 including the remediation of mine-scarred land
4 under the brownfields revitalization program
5 under section 104(k) of that Act (42 U.S.C.
6 9604(k)).

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

10 (i) in a temporary shutdown or ces-
11 sation;

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

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

1 (iv) that has a responsible owner or
2 operator; or

3 (v) that actively mined or processed
4 minerals after December 11, 1980.

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

8 (3) *APPLICABLE WATER QUALITY STANDARDS.*—
9 The term “applicable water quality standards” means
10 the water quality standards promulgated by the Ad-
11 ministrator or adopted by a State or Indian tribe
12 and approved by the Administrator pursuant to the
13 Federal Water Pollution Control Act (33 U.S.C. 1251
14 et seq.).

15 (4) *BASELINE CONDITIONS.*—The term “baseline
16 conditions” means the concentrations, locations, and
17 releases of any hazardous substances, pollutants, or
18 contaminants, as described in the Good Samaritan
19 permit, present at an abandoned hardrock mine site
20 prior to undertaking any action under this Act.

21 (5) *COOPERATING PERSON.*—

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

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

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

7 (ii) a person that had a role in the cre-
8 ation of historic mine residue at the aban-
9 doned hardrock mine site described in the
10 permit application; or

11 (iii) a Federal agency.

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

14 (A) a Good Samaritan permit; and

15 (B) an investigative sampling permit.

16 (7) *FEDERAL LAND MANAGEMENT AGENCY.*—The
17 term “Federal land management agency” means any
18 Federal agency authorized by law or Executive order
19 to exercise jurisdiction, custody, or control over land
20 owned by the United States.

21 (8) *GOOD SAMARITAN.*—The term “Good Samar-
22 itan” means a person that, with respect to historic
23 mine residue, as determined by the Administrator—

24 (A) is not a past or current owner or oper-
25 ator of—

1 (i) the abandoned hardrock mine site
2 at which the historic mine residue is lo-
3 cated; or

4 (ii) a portion of that abandoned
5 hardrock mine site;

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

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

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

15 (10) *HISTORIC MINE RESIDUE.*—

16 (A) *IN GENERAL.*—The term “historic mine
17 residue” means mine residue or any condition at
18 an abandoned hardrock mine site resulting from
19 hardrock mining activities.

20 (B) *INCLUSIONS.*—The term “historic mine
21 residue” includes—

22 (i) previously mined ores and minerals
23 other than coal that contribute to acid mine
24 drainage or other pollution;

1 (ii) equipment (including materials in
2 equipment);

3 (iii) any tailings facilities, heap leach
4 piles, dump leach piles, waste rock, overbur-
5 den, slag piles, or other waste or material
6 resulting from any extraction, beneficiation,
7 or other processing activity that occurred
8 during the active operation of an aban-
9 doned hardrock mine site;

10 (iv) any acidic or otherwise polluted
11 flow in surface water or groundwater that
12 originates from, or is pooled and contained
13 in, an inactive or abandoned hardrock mine
14 site, such as underground workings, open
15 pits, in-situ leaching operations, ponds, or
16 impoundments;

17 (v) any hazardous substance (as de-
18 fined in section 101 of the Comprehensive
19 Environmental Response, Compensation,
20 and Liability Act of 1980 (42 U.S.C.
21 9601));

22 (vi) any pollutant or contaminant (as
23 defined in section 101 of the Comprehensive
24 Environmental Response, Compensation,

1 *and Liability Act of 1980 (42 U.S.C.*
2 *9601)); and*

3 *(vii) any pollutant (as defined in sec-*
4 *tion 502 of the Federal Water Pollution*
5 *Control Act (33 U.S.C. 1362)).*

6 (11) *INDIAN TRIBE.*—*The term “Indian tribe”*
7 *has the meaning given the term in—*

8 *(A) section 518(h) of the Federal Water Pol-*
9 *lution Control Act (33 U.S.C. 1377(h)); or*

10 *(B) section 101 of the Comprehensive Envi-*
11 *ronmental Response, Compensation, and Liabil-*
12 *ity Act of 1980 (42 U.S.C. 9601).*

13 (12) *INVESTIGATIVE SAMPLING PERMIT.*—*The*
14 *term “investigative sampling permit” means a permit*
15 *granted by the Administrator under section 4(d)(1).*

16 (13) *PERSON.*—*The term “person” means any*
17 *entity described in—*

18 *(A) section 502(5) of the Federal Water Pol-*
19 *lution Control Act (33 U.S.C. 1362(5)); or*

20 *(B) section 101(21) of the Comprehensive*
21 *Environmental Response, Compensation, and Li-*
22 *ability Act of 1980 (42 U.S.C. 9601(21)).*

23 (14) *REMEDIATION.*—

24 *(A) IN GENERAL.*—*The term “remediation”*
25 *means any action taken to investigate, charac-*

1 *terize, or cleanup, in whole or in part, a dis-*
2 *charge, release, or threat of release of a haz-*
3 *ardous substance, pollutant, or contaminant into*
4 *the environment at or from an abandoned*
5 *hardrock mine site, or to otherwise protect and*
6 *improve human health and the environment.*

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

11 *(i) the release or threat of release of a*
12 *hazardous substance, pollutant, or contami-*
13 *nant that would harm human health or the*
14 *environment; or*

15 *(ii) a migration or discharge of a haz-*
16 *ardous substance, pollutant, or contaminant*
17 *that would harm human health or the envi-*
18 *ronment.*

19 (C) *EXCLUSION.*—*The term “remediation”*
20 *does not include any action that requires plug-*
21 *ging, opening, or otherwise altering the portal or*
22 *adit of the abandoned hardrock mine site.*

23 (15) *RESERVATION.*—*The term “reservation” has*
24 *the meaning given the term “Indian country” in sec-*
25 *tion 1151 of title 18, United States Code.*

1 (16) *RESPONSIBLE OWNER OR OPERATOR.*—*The*
2 *term “responsible owner or operator” means a person*
3 *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 from*
7 *an abandoned hardrock 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*
15 *abandoned hardrock mine site under section 104,*
16 *106, 107, or 113 of the Comprehensive Environ-*
17 *mental Response, Compensation, and Liability*
18 *Act of 1980 (42 U.S.C. 9604, 9606, 9607, 9613);*
19 *and*

20 (ii) *financially able to comply with each re-*
21 *quirement described in those sections, as applica-*
22 *ble.*

23 **SEC. 3. SCOPE.**

24 *Nothing in this Act—*

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

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

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

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

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

1 **SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARI-**
2 **TAN PILOT PROJECT AUTHORIZATION.**

3 (a) *ESTABLISHMENT.*—

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

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

18 (3) *SUNSET.*—

19 (A) *IN GENERAL.*—*Except as provided in*
20 *subparagraph (B), the pilot program described*
21 *in paragraph (1) shall terminate on the date*
22 *that is 7 years after the date of enactment of this*
23 *Act.*

24 (B) *EXCEPTION.*—*Notwithstanding sub-*
25 *paragraph (A), the Administrator may grant a*
26 *Good Samaritan permit pursuant to this Act*

1 *after the date identified in subparagraph (A) if*
2 *the application for the Good Samaritan per-*
3 *mit—*

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

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

9 (C) *EFFECT ON CERTAIN PERMITS.—Any*
10 *Good Samaritan permit granted by the deadline*
11 *prescribed in subparagraph (A) or (B), as appli-*
12 *cable, that is in effect on the date that is 7 years*
13 *after the date of enactment of this Act shall re-*
14 *main in effect after that date in accordance*
15 *with—*

16 *(i) the terms and conditions of the*
17 *Good Samaritan permit; and*

18 *(ii) this Act.*

19 (b) *GOOD SAMARITAN PERMIT ELIGIBILITY.—*

20 (1) *IN GENERAL.—To be eligible to receive a*
21 *Good Samaritan permit to carry out a project to re-*
22 *mediate an abandoned hardrock mine site, a person*
23 *shall demonstrate that, as determined by the Admin-*
24 *istrator—*

1 (A) *the abandoned hardrock mine site that*
2 *is the subject of the application for a Good Sa-*
3 *maritan permit is located in the United States;*

4 (B) *the purpose of the proposed project is*
5 *the remediation at that abandoned hardrock*
6 *mine site of historic mine residue;*

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

12 (D) *the proposed project poses a low risk to*
13 *the environment, as determined by the Adminis-*
14 *trator;*

15 (E) *to the satisfaction of the Administrator,*
16 *the person—*

17 (i) *possesses, or has the ability to se-*
18 *cure, the financial and other resources nec-*
19 *essary—*

20 (I) *to complete the permitted*
21 *work, as determined by the Adminis-*
22 *trator; and*

23 (II) *to address any contingencies*
24 *identified in the Good Samaritan per-*

1 *mit application described in subsection*

2 *(c);*

3 *(ii) possesses the proper and appro-*

4 *priate experience and capacity to complete*

5 *the permitted work; and*

6 *(iii) will complete the permitted work;*

7 *and*

8 *(F) the person is a Good Samaritan with*

9 *respect to the historic mine residue proposed to*

10 *be covered by the Good Samaritan permit.*

11 *(2) IDENTIFICATION OF ALL RESPONSIBLE OWN-*

12 *ERS OR OPERATORS.—*

13 *(A) IN GENERAL.—A Good Samaritan shall*

14 *make reasonable and diligent efforts to identify,*

15 *from a review of publicly available information*

16 *in land records or on internet websites of Fed-*

17 *eral, State, and local regulatory authorities, all*

18 *responsible owners or operators of an abandoned*

19 *hardrock mine site proposed to be remediated by*

20 *the Good Samaritan under this section.*

21 *(B) EXISTING RESPONSIBLE OWNER OR OP-*

22 *ERATOR.—If the Administrator determines,*

23 *based on information provided by a Good Sa-*

24 *maritan or otherwise, that a responsible owner*

25 *or operator exists for an abandoned hardrock*

1 *mine site proposed to be remediated by the Good*
2 *Samaritan, the Administrator shall deny the ap-*
3 *plication for a Good Samaritan permit.*

4 *(c) APPLICATION FOR PERMITS.—To obtain a Good*
5 *Samaritan permit, a person shall submit to the Adminis-*
6 *trator an application, signed by the person and any cooper-*
7 *ating person, that provides, to the extent known or reason-*
8 *ably discoverable by the person on the date on which the*
9 *application is submitted—*

10 *(1) a description of the abandoned hardrock*
11 *mine site (including the boundaries of the abandoned*
12 *hardrock mine site) proposed to be covered by the*
13 *Good Samaritan permit;*

14 *(2) a description of all parties proposed to be in-*
15 *volved in the remediation project, including any co-*
16 *operating person and each member of an applicable*
17 *corporation, association, partnership, consortium,*
18 *joint venture, commercial entity, or nonprofit associa-*
19 *tion;*

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

24 *(4) a detailed description of the historic mine*
25 *residue to be remediated;*

1 (5) a detailed description of the expertise and ex-
2 perience of the person and the resources available to
3 the person to successfully implement and complete the
4 remediation plan under paragraph (7);

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

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

14 (B) the flow rate and concentration of any
15 drainage of historic mine residue or other dis-
16 charge from the abandoned hardrock mine site in
17 any body of water that has resulted in an ad-
18 verse impact described in subparagraph (A); and

19 (C) any other release or threat of release of
20 historic mine residue that has resulted in an ad-
21 verse impact to human health or the environ-
22 ment;

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

1 (A) *the nature and scope of the proposed re-*
2 *mediation activities, including—*

3 (i) *any historic mine residue to be ad-*
4 *ressed by the remediation plan; and*

5 (ii) *a description of the goals of the re-*
6 *mediation including, if applicable, with re-*
7 *spect to—*

8 (I) *the reduction or prevention of*
9 *a release, threat of release, or discharge*
10 *to surface waters; or*

11 (II) *other appropriate goals relat-*
12 *ing to water or soil;*

13 (B) *each activity that the person proposes to*
14 *take that is—*

15 (i) *designed to—*

16 (I) *improve or enhance water*
17 *quality or site-specific soil or sediment*
18 *quality relevant to the historic mine*
19 *residue addressed by the remediation*
20 *plan, including making measurable*
21 *progress toward achieving applicable*
22 *water quality standards; or*

23 (II) *otherwise protect human*
24 *health and the environment (including*
25 *through the prevention of a release, dis-*

1 *charge, or threat of release to water,*
2 *sediment, or soil); and*

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

6 *(C) a plan describing the monitoring or*
7 *other forms of assessment that will be undertaken*
8 *by the person to evaluate the success of the ac-*
9 *tivities described in subparagraph (A) during*
10 *and after the remediation, with respect to the*
11 *baseline conditions, as described in paragraph*
12 *(6);*

13 *(D) to the satisfaction of the Administrator,*
14 *detailed engineering plans for the project;*

15 *(E) detailed plans for any proposed recy-*
16 *cling or reprocessing of historic mine residue to*
17 *be conducted by the person (including a descrip-*
18 *tion of how all proposed recycling or reprocess-*
19 *ing activities contribute to the remediation of the*
20 *abandoned hardrock mine site); and*

21 *(F) identification of any proposed con-*
22 *tractor that will perform any remediation activ-*
23 *ity;*

24 *(8) subject to subsection (d), a schedule for the*
25 *work to be carried out under the project, including a*

1 *schedule for periodic reporting by the person on the*
2 *remediation of the abandoned hardrock mine site;*

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

5 *(10) a specific contingency plan that—*

6 *(A) includes provisions on response and no-*
7 *tification to Federal, State, Tribal, and local au-*
8 *thorities with jurisdiction over downstream*
9 *waters that have the potential to be impacted by*
10 *an unplanned release or discharge of hazardous*
11 *substances, pollutants, or contaminants; and*

12 *(B) is designed to respond to unplanned ad-*
13 *verse events (such as adverse weather events or a*
14 *potential fluid release that may result from ad-*
15 *ressing pooled water or hydraulic pressure situ-*
16 *ations), including the sudden release of historic*
17 *mine residue;*

18 *(11) subject to subsection (d), a project budget*
19 *and description of financial resources that dem-*
20 *onstrate that the permitted work, including any oper-*
21 *ation and maintenance, will be completed;*

22 *(12) subject to subsection (d), information dem-*
23 *onstrating that the applicant has the financial re-*
24 *sources to carry out the remediation (including any*
25 *long-term monitoring that may be required by the*

1 *Good Samaritan permit) or the ability to secure an*
2 *appropriate third-party financial assurance, as deter-*
3 *mined by the Administrator, to ensure completion of*
4 *the permitted work, including any long-term oper-*
5 *ations and maintenance of remediation activities that*
6 *may be—*

7 *(A) proposed in the application for the*
8 *Good Samaritan permit; or*

9 *(B) required by the Administrator as a con-*
10 *dition of granting the permit;*

11 *(13) subject to subsection (d), a detailed plan for*
12 *any required operation and maintenance of any re-*
13 *mediation, including a timeline, if necessary;*

14 *(14) subject to subsection (d), a description of*
15 *any planned post-remediation monitoring, if nec-*
16 *essary; and*

17 *(15) subject to subsection (d), any other appro-*
18 *priate information, as determined by the Adminis-*
19 *trator or the applicant.*

20 *(d) INVESTIGATIVE SAMPLING.—*

21 *(1) INVESTIGATIVE SAMPLING PERMITS.—The*
22 *Administrator may grant an investigative sampling*
23 *permit for a period determined by the Administrator*
24 *to authorize a Good Samaritan to conduct investiga-*

1 *tive sampling of historic mine residue, soil, sediment,*
2 *or water to determine—*

3 *(A) baseline conditions; and*

4 *(B) whether the Good Samaritan—*

5 *(i) is willing to perform further reme-*
6 *diation to address the historic mine residue;*

7 *and*

8 *(ii) will proceed with a permit conver-*
9 *sion under subsection (e)(1).*

10 *(2) NUMBER OF PERMITS.—*

11 *(A) LIMITATION.— Subject to subparagraph*
12 *(B), the Administrator may grant not more than*
13 *15 investigative sampling permits.*

14 *(B) APPLICABILITY TO CONVERTED PER-*
15 *MITS.—An investigative sampling permit that is*
16 *not converted to a Good Samaritan permit pur-*
17 *suant to paragraph (5) may be eligible for*
18 *reissuance by the Administrator subject to the*
19 *overall total of not more than 15 investigative*
20 *sampling permits allowed at any 1 time de-*
21 *scribed in subparagraph (A).*

22 *(3) APPLICATION.—If a Good Samaritan pro-*
23 *poses to conduct investigative sampling, the Good Sa-*
24 *maritan shall submit to the Administrator an inves-*

1 *tigative sampling permit application that contains,*
2 *to the satisfaction of the Administrator—*

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

5 *(B) to the extent reasonably known to the*
6 *applicant, any previously documented water*
7 *quality data describing conditions at the aban-*
8 *doned hardrock mine site;*

9 *(C) the evidence required under subsection*
10 *(c)(3);*

11 *(D) each plan required under paragraphs*
12 *(9) and (10) of subsection (c); and*

13 *(E) a detailed plan of the investigative sam-*
14 *pling.*

15 *(4) REQUIREMENTS.—*

16 *(A) IN GENERAL.—If a person submits an*
17 *application that proposes only investigative sam-*
18 *pling of historic mine residue, soil, sediment, or*
19 *water that only includes the requirements de-*
20 *scribed in paragraph (1), the Administrator may*
21 *grant an investigative sampling permit that au-*
22 *thorizes the person only to carry out the plan of*
23 *investigative sampling of historic mine residue,*
24 *soil, sediment, or water, as described in the in-*

1 *vestigative sampling permit application under*
2 *paragraph (3).*

3 *(B) REPROCESSING.—An investigative sam-*
4 *pling permit—*

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

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

12 *(C) REQUIREMENTS RELATING TO SAM-*
13 *PLS.—In conducting investigative sampling of*
14 *historic mine residue, soil, sediment, or water, a*
15 *Good Samaritan shall—*

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

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

23 *(5) PERMIT CONVERSION.—Not later than 1 year*
24 *after the date on which the investigative sampling*
25 *under the investigative sampling permit concludes, a*

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

5 (6) *PERMIT NOT CONVERTED.—*

6 (A) *IN GENERAL.—Subject to subparagraph*
7 *(B)(ii)(I), a Good Samaritan who obtains an in-*
8 *vestigative sampling permit may decline—*

9 (i) *to apply to convert the investigative*
10 *sampling permit into a Good Samaritan*
11 *permit under paragraph (5); and*

12 (ii) *to undertake remediation activities*
13 *on the site where investigative sampling*
14 *was conducted on conclusion of investigative*
15 *sampling.*

16 (B) *EFFECT OF LACK OF CONVERSION.—*

17 (i) *IN GENERAL.—Notwithstanding a*
18 *refusal by a Good Samaritan to convert an*
19 *investigative sampling permit into a Good*
20 *Samaritan permit under subparagraph (A),*
21 *but subject to clause (ii), the provisions of*
22 *paragraphs (1) through (3) of subsection (n)*
23 *shall continue to apply to the Good Samari-*
24 *tan and any cooperating persons after the*
25 *refusal to convert.*

1 (ii) *DEGRADATION OF SURFACE WATER*
2 *QUALITY.*—

3 (I) *OPPORTUNITY TO CORRECT.*—

4 *If, before the date on which a Good Sa-*
5 *maritan refuses to convert an inves-*
6 *tigative sampling permit under sub-*
7 *paragraph (A), actions by the Good*
8 *Samaritan or any cooperating person*
9 *have caused conditions at the aban-*
10 *doned hardrock mine site to be measur-*
11 *ably worse, as determined by the Ad-*
12 *ministrator, when compared to condi-*
13 *tions described pursuant to paragraph*
14 *(3)(B), if applicable, the Administrator*
15 *shall provide the Good Samaritan or*
16 *cooperating person, as applicable, the*
17 *opportunity to return the conditions at*
18 *the abandoned hardrock mine site to*
19 *those conditions.*

20 (II) *EFFECT.*—*If, pursuant to*
21 *subclause (I), the applicable Good Sa-*
22 *maritan or cooperating person does not*
23 *return the surface water quality at the*
24 *abandoned hardrock mine site to con-*
25 *ditions described pursuant to para-*

1 *graph (3)(B), if applicable, as deter-*
2 *mined by the Administrator, clause (i)*
3 *shall not apply to the Good Samaritan*
4 *or any cooperating persons.*

5 *(e) INVESTIGATIVE SAMPLING CONVERSION.—*

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

11 *(2) APPLICATION.—*

12 *(A) INVESTIGATIVE SAMPLING.—An appli-*
13 *cation for the conversion of an investigative sam-*
14 *pling permit under paragraph (1) shall include*
15 *any requirement described in subsection (c) that*
16 *was not included in full in the application sub-*
17 *mitted under subsection (d)(3).*

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

21 *(i) environmental review and public*
22 *comment procedures required by subsection*
23 *(l); and*

24 *(ii) a public hearing, if requested.*

25 *(f) CONTENT OF PERMITS.—*

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

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

6 (B)(i) a provision that states that the Good
7 Samaritan is responsible for securing, for all ac-
8 tivities authorized under the Good Samaritan
9 permit, all authorizations, licenses, and permits
10 that are required under applicable law except
11 for—

12 (I) section 301, 302, 306, 307, 402, or
13 404 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1311, 1312, 1316, 1317,
15 1342, 1344); and

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

22 (ii) in the case of an abandoned hardrock
23 mine site in a State that is authorized to imple-
24 ment State law pursuant to section 402 or 404
25 of the Federal Water Pollution Control Act (33

1 *U.S.C. 1342, 1344) or on land of an Indian tribe*
2 *that is authorized to implement Tribal law pur-*
3 *suant to that section, a provision that states that*
4 *the Good Samaritan is responsible for securing,*
5 *for all activities authorized under the Good Sa-*
6 *maritan permit, all authorizations, licenses, and*
7 *permits that are required under applicable law,*
8 *except for—*

9 *(I) the State or Tribal law, as applica-*
10 *ble; and*

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

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

21 *(D) in the case of a project on land owned*
22 *by the United States, a notice that the Good Sa-*
23 *maritan permit serves as an agreement for use*
24 *and occupancy of Federal land that is enforce-*

1 able by the applicable Federal land management
2 agency; and

3 (E) any other terms and conditions deter-
4 mined to be appropriate by the Administrator or
5 the Federal land management agency, as appli-
6 cable.

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

12 (A) an act of God;

13 (B) an act of war;

14 (C) negligence on the part of the United
15 States;

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

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

22 (ii) took precautions against foreseeable
23 acts or omissions of the third party, as de-
24 termined by the Administrator; and

25 (iii) uses reasonable efforts—

1 (I) to anticipate any potential
2 force majeure; and

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

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

8 (3) MONITORING.—

9 (A) IN GENERAL.—The Good Samaritan
10 shall take such actions as the Good Samaritan
11 permit requires to ensure appropriate baseline
12 conditions monitoring, monitoring during the re-
13 mediation project, and post-remediation moni-
14 toring of the environment under paragraphs (7)
15 and (14) of subsection (c).

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

20 (i) the multiparty monitoring will ef-
21 fectively accomplish the goals of this section;
22 and

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

1 (4) *OTHER DEVELOPMENT.*—

2 (A) *NO AUTHORIZATION OF MINING ACTIVITIES.*—No mineral exploration, processing,
3 beneficiation, or mining shall be—
4

5 (i) authorized by this Act; or

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

8 (B) *REPROCESSING OF MATERIALS.*—A
9 Good Samaritan may reprocess materials recovered during the implementation of a remediation
10 plan only if—
11

12 (i) the project under the Good Samaritan permit is on land owned by the United
13 States;
14

15 (ii) the applicable Federal land management agency has signed a decision document under subsection (l)(2)(G) approving
16 reprocessing as part of a remediation plan;
17

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

21 (I) to defray the costs of the remediation; and
22

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

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

3 *(iv) any remaining proceeds are depos-*
4 *ited into the appropriate Good Samaritan*
5 *Mine Remediation Fund established by sec-*
6 *tion 5(a); and*

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

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

19 (g) ADDITIONAL WORK.—*A Good Samaritan permit*
20 *may (subject to subsection (r)(5) in the case of a project*
21 *located on Federal land) allow the Good Samaritan to re-*
22 *turn to the abandoned hardrock mine site after the comple-*
23 *tion of the remediation to perform operations and mainte-*
24 *nance or other work—*

1 (1) *to ensure the functionality of completed re-*
2 *mediation activities at the abandoned hardrock mine*
3 *site; or*

4 (2) *to protect public health and the environment.*

5 (h) *TIMING.—Work authorized under a Good Samari-*
6 *tan permit—*

7 (1) *shall commence, as applicable—*

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

13 (B) *if the grant of the Good Samaritan per-*
14 *mit is the subject of a petition for judicial re-*
15 *view, not later than the date that is 18 months*
16 *after the date on which the judicial review, in-*
17 *cluding any appeals, has concluded; and*

18 (2) *shall continue until completed, with tem-*
19 *porary suspensions permitted during adverse weather*
20 *or other conditions specified in the Good Samaritan*
21 *permit.*

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

24 (1) *the Administrator determines that the trans-*
25 *feree qualifies as a Good Samaritan;*

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

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

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

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

12 (1) *the Administrator shall—*

13 (A) *consult with prospective applicants;*

14 (B) *convene, coordinate, and lead the appli-*
15 *cation review process;*

16 (C) *maintain all records relating to the*
17 *Good Samaritan permit and the permit process;*

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

23 (i) *carrying out environmental review*
24 *and public comment procedures pursuant to*
25 *subsection (l); and*

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

2 (E) enforce and otherwise carry out this sec-

3 tion; and

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

6 (A) in the case of a proposed project on
7 land owned by the United States, provide an op-

8 portunity for cooperating persons and the public

9 to participate in the Good Samaritan permit

10 process, including—

11 (i) carrying out environmental review

12 and public comment procedures pursuant to

13 subsection (l); and

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

15 (B) in coordination with the Administrator,

16 enforce Good Samaritan permits issued under

17 this section for projects on land owned by the

18 United States.

19 (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—As

20 soon as practicable, but not later than 14 days after the

21 date on which the Administrator receives an application

22 for the remediation of an abandoned hardrock mine site

23 under this section that, as determined by the Administrator,

24 is complete and meets all applicable requirements of sub-

1 *section (c), the Administrator shall provide notice and a*
2 *copy of the application to—*

3 (1) *each local government with jurisdiction over*
4 *a drinking water utility, and each Indian tribe with*
5 *reservation or off-reservation treaty rights to land or*
6 *water, located downstream from or otherwise near a*
7 *proposed remediation project that is reasonably an-*
8 *ticipated to be impacted by the remediation project or*
9 *a potential release of contaminants from the aban-*
10 *doned hardrock mine site, as determined by the Ad-*
11 *ministrator;*

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

14 (3) *in the case of an abandoned hardrock mine*
15 *site that is located partially or entirely on land*
16 *owned by the United States, the Federal land man-*
17 *agement agency with jurisdiction over that land.*

18 (l) *ENVIRONMENTAL REVIEW AND PUBLIC COM-*
19 *MENT.—*

20 (1) *IN GENERAL.—Before the issuance of a Good*
21 *Samaritan permit to carry out a project for the reme-*
22 *diation of an abandoned hardrock mine site, the Ad-*
23 *ministrator shall ensure that environmental review*
24 *and public comment procedures are carried out with*
25 *respect to the proposed project.*

1 (2) *RELATION TO NEPA.*—

2 (A) *MAJOR FEDERAL ACTION.*—Subject to
3 *subparagraph (F), the issuance or modification*
4 *of a Good Samaritan permit by the Adminis-*
5 *trator shall be considered a major Federal action*
6 *for purposes of section 102 of the National Envi-*
7 *ronmental Policy Act of 1969 (42 U.S.C. 4332).*

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

11 (i) *in the case of a proposed project on*
12 *land owned by the United States that is*
13 *managed by only 1 Federal land manage-*
14 *ment agency, the applicable Federal land*
15 *management agency;*

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

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

24 (iv) *in the case of a proposed project*
25 *on land owned by the United States that is*

1 *managed by more than 1 Federal land*
2 *management agency, the Federal land man-*
3 *agement agency selected by the Adminis-*
4 *trator to be the lead agency, after consulta-*
5 *tion with the applicable Federal land man-*
6 *agement agencies.*

7 (C) *COORDINATION.*—*To the maximum ex-*
8 *tent practicable, the lead agency described in*
9 *subparagraph (B) shall coordinate procedures*
10 *under the National Environmental Policy Act of*
11 *1969 (42 U.S.C. 4321 et seq.) with State, Tribal,*
12 *and Federal cooperating agencies, as applicable.*

13 (D) *COOPERATING AGENCY.*—*In the case of*
14 *a proposed project on land owned by the United*
15 *States, the Administrator shall be a cooperating*
16 *agency for purposes of an environmental assess-*
17 *ment and public comment under this subsection.*

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

21 (i) *the issuance of a Good Samaritan*
22 *permit;*

23 (ii) *any activities authorized by a*
24 *Good Samaritan permit; and*

1 (iii) any applicable permits required
2 by the Secretary of the Interior or the Sec-
3 retary of Agriculture.

4 (F) NO SIGNIFICANT IMPACT.—

5 (i) IN GENERAL.—A Good Samaritan
6 permit may only be issued if, after an envi-
7 ronmental assessment, the head of the lead
8 agency issues a finding of no significant
9 impact (as defined in section 111 of the Na-
10 tional Environmental Policy Act of 1969
11 (42 U.S.C. 4336e)).

12 (ii) SIGNIFICANT IMPACT.—If the head
13 of the lead agency is unable to issue a find-
14 ing of no significant impact (as so defined),
15 the head of the lead agency shall not issue
16 a Good Samaritan permit for the proposed
17 project.

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

22 (i) the Administrator; and

23 (ii) in the case of a project on land
24 owned by the United States, the head of the

1 *applicable Federal land management agen-*
2 *cy.*

3 (H) *LIMITATION.*—*Nothing in this para-*
4 *graph exempts the Secretary of Agriculture or*
5 *the Secretary of the Interior, as applicable, from*
6 *any other requirements of section 102 of the Na-*
7 *tional Environmental Policy Act of 1969 (42*
8 *U.S.C. 4332).*

9 (m) *PERMIT GRANT.*—

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

14 (A) *the Administrator determines that—*

15 (i) *the person seeking the permit is a*
16 *Good Samaritan;*

17 (ii) *the application described in sub-*
18 *section (c) is complete;*

19 (iii) *the project is designed to reme-*
20 *diate historic mine residue at the aban-*
21 *doned hardrock mine site to protect human*
22 *health and the environment;*

23 (iv) *the proposed project is designed to*
24 *meet all other goals, as determined by the*
25 *Administrator, including any goals set forth*

1 *in the application for the Good Samaritan*
2 *permit that are accepted by the Adminis-*
3 *trator;*

4 *(v) the proposed activities, as com-*
5 *pared to the baseline conditions described in*
6 *the permit, will make measurable progress*
7 *toward achieving—*

8 *(I) applicable water quality*
9 *standards;*

10 *(II) improved soil quality;*

11 *(III) improved sediment quality;*

12 *(IV) other improved environ-*
13 *mental or safety conditions; or*

14 *(V) reductions in threats to soil,*
15 *sediment, or water quality or other en-*
16 *vironmental or safety conditions;*

17 *(vi) the applicant has—*

18 *(I) demonstrated that the appli-*
19 *cant has the proper and appropriate*
20 *experience and capacity to complete*
21 *the permitted work;*

22 *(II) demonstrated that the appli-*
23 *cant will complete the permitted work;*

24 *(III) the financial and other re-*
25 *sources to address any contingencies*

1 identified in the Good Samaritan per-
2 mit application described in sub-
3 sections (b) and (c);

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

9 (V) demonstrated, to the satisfac-
10 tion of the Administrator, that—

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

21 (bb) the applicant has estab-
22 lished a third-party financial as-
23 surance mechanism, such as a
24 corporate guarantee from a parent
25 or other corporate affiliate, letter

1 *of credit, trust, surety bond, or in-*
2 *urance to assure that funds are*
3 *available to complete the per-*
4 *mitted work, including for oper-*
5 *ations and maintenance and to*
6 *address potential contingencies,*
7 *that—*

8 *(AA) establishes the Ad-*
9 *ministrator or the head of the*
10 *Federal land management*
11 *agency as the beneficiary of*
12 *the third-party financial as-*
13 *urance mechanism; and*

14 *(BB) allows the Admin-*
15 *istrator to retain and use the*
16 *funds from the financial as-*
17 *urance mechanism in the*
18 *event the Good Samaritan*
19 *does not complete the remedi-*
20 *ation under the Good Samar-*
21 *itan permit; and*

22 *(vii) the project meets the requirements*
23 *of this Act;*

24 *(B) the State or Indian tribe with jurisdic-*
25 *tion over land on which the abandoned hardrock*

1 *mine site is located has been given an oppor-*
2 *tunity to review and, if necessary, comment on*
3 *the grant of the Good Samaritan permit;*

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

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

14 *(i) environmental review and public*
15 *comment procedures required by subsection*
16 *(l); and*

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

19 *(2) DEADLINE.—*

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

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

1 that, as determined by the Administrator, is
2 complete and meets all applicable require-
3 ments of subsection (c); or

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

7 (B) *CONSTRUCTIVE DENIAL.*—If the Admin-
8 istrator fails to grant or deny a Good Samaritan
9 permit by the applicable deadline described in
10 subparagraph (A), the application shall be con-
11 sidered to be denied.

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

17 (n) *EFFECT OF PERMITS.*—

18 (1) *IN GENERAL.*—A Good Samaritan and any
19 cooperating person undertaking remediation activities
20 identified in, carried out pursuant to, and in compli-
21 ance with, a covered permit—

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

1 *any law or regulation implemented by a State or*
2 *Indian tribe under section 402 or 404 of that Act*
3 *(33 U.S.C. 1342, 1344)) and the Comprehensive*
4 *Environmental Response, Compensation, and Li-*
5 *ability Act of 1980 (42 U.S.C. 9601 et seq.) dur-*
6 *ing the term of the covered permit, after the ter-*
7 *mination of the Good Samaritan permit, and*
8 *after declining to convert an investigative sam-*
9 *pling permit into a Good Samaritan permit, as*
10 *applicable;*

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

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

1 *Comprehensive Environmental Response, Com-*
2 *ensation, and Liability Act of 1980 (42 U.S.C.*
3 *9621).*

4 (2) *UNAUTHORIZED ACTIVITIES.—*

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

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

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

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

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

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

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

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

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

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

23 *(i) the Federal Water Pollution Control*
24 *Act (33 U.S.C. 1251 et seq.) (including*
25 *under any law or regulation administered*

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

2 or

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

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

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

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

1 *plicable (in the case of an investigative sampling*
2 *permit), at the abandoned hardrock mine site,*
3 *the Administrator shall—*

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

7 *(ii) require the Good Samaritan or the*
8 *cooperating person, as applicable, to under-*
9 *take reasonable measures, as determined by*
10 *the Administrator, to return surface water*
11 *quality or other environmental conditions to*
12 *those conditions.*

13 *(F) FAILURE TO CORRECT.—Subparagraph*
14 *(A) shall not apply to a Good Samaritan or co-*
15 *operating person that fails to take any actions*
16 *required under subparagraph (E)(ii) within a*
17 *reasonable period of time, as established by the*
18 *Administrator.*

19 *(G) MINOR OR CORRECTED PERMIT VIOLA-*
20 *TIONS.—For purposes of this paragraph, the fail-*
21 *ure to comply with a term, condition, or limita-*
22 *tion of a Good Samaritan permit or investiga-*
23 *tive sampling permit shall not be considered a*
24 *permit violation or noncompliance with that*
25 *permit if—*

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

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

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

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

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

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

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

1 (5) *any other applicable provision of State, Trib-*
2 *al, or local law.*

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

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

9 (2) *section 104(k) of the Comprehensive Environ-*
10 *mental Response, Compensation, and Liability Act of*
11 *1980 (42 U.S.C. 9604(k)), subject to the condition*
12 *that the recipient of the funding is otherwise eligible*
13 *under that section to receive a grant to assess or re-*
14 *mediate contamination at the site covered by the*
15 *Good Samaritan permit.*

16 (q) *EMERGENCY AUTHORITY AND LIABILITY.—*

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

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

21 (B) *a Federal, State, Tribal, or local agency*
22 *to carry out any emergency authority, including*
23 *an emergency authority provided under Federal,*
24 *State, Tribal, or local law.*

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

7 (r) *TERMINATION OF GOOD SAMARITAN PERMIT.*—

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

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

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

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

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

24 (ii) *if the grant of the Good Samaritan*
25 *permit was the subject of a petition for ju-*

1 *dicial review, on the date that is 18 months*
2 *after the date on which the judicial review,*
3 *including any appeals, has concluded, if the*
4 *permitted work has not commenced by that*
5 *date.*

6 (2) *EXTENSION.—*

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

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

15 (3) *EFFECT OF TERMINATION.—*

16 (A) *IN GENERAL.—Notwithstanding the ter-*
17 *mination of a Good Samaritan permit under*
18 *paragraph (1), but subject to subparagraph (B),*
19 *the provisions of paragraphs (1) through (3) of*
20 *subsection (n) shall continue to apply to the*
21 *Good Samaritan and any cooperating persons*
22 *after the termination, including to any long-term*
23 *operations and maintenance pursuant to the*
24 *agreement under paragraph (5).*

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

3 (i) *OPPORTUNITY TO RETURN TO BASE-*
4 *LINE CONDITIONS.*—*If, at the time that 1 or*
5 *more of the conditions described in para-*
6 *graph (1) are met but before the Good Sa-*
7 *maritan permit is terminated, actions by*
8 *the Good Samaritan or cooperating person*
9 *have caused surface water quality at the*
10 *abandoned hardrock mine site to be measur-*
11 *ably worse, as determined by the Adminis-*
12 *trator, when compared to baseline condi-*
13 *tions described in the permit, the Adminis-*
14 *trator shall, before terminating the Good*
15 *Samaritan permit, provide the Good Sa-*
16 *maritan or cooperating person, as applica-*
17 *ble, the opportunity to return surface water*
18 *quality to those baseline conditions.*

19 (ii) *EFFECT.*—*If, pursuant to clause*
20 *(i), the applicable Good Samaritan or co-*
21 *operating person does not return the surface*
22 *water quality at the abandoned hardrock*
23 *mine site to the baseline conditions de-*
24 *scribed in the permit, as determined by the*
25 *Administrator, subparagraph (A) shall not*

1 *apply to the Good Samaritan or any co-*
2 *operating persons.*

3 (4) *UNFORESEEN CIRCUMSTANCES.—*

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

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

12 (ii) *was not—*

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

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

19 (iii) *is beyond the control of the recipi-*
20 *ent of the Good Samaritan permit, as deter-*
21 *mined by the Administrator.*

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

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

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

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

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

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

4 *(s) REGULATIONS.—*

5 *(1) IN GENERAL.—Subject to paragraph (2), the*
6 *Administrator, in consultation with the Secretary of*
7 *the Interior and the Secretary of Agriculture, and ap-*
8 *propriate State, Tribal, and local officials, may pro-*
9 *mulgate any regulations that the Administrator deter-*
10 *mines to be necessary to carry out this Act.*

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

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

24 *(B) PUBLIC COMMENTS.—Before finalizing*
25 *any guidance issued under subparagraph (A),*

1 *the Administrator shall hold a 30-day public*
2 *comment period.*

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

4 *(a) ESTABLISHMENT.—There is established in the*
5 *Treasury of the United States a Good Samaritan Mine Re-*
6 *mediation Fund (referred to in this section as a “Fund”)*
7 *for—*

8 *(1) each Federal land management agency that*
9 *authorizes a Good Samaritan to conduct a project on*
10 *Federal land under the jurisdiction of that Federal*
11 *land management agency under a Good Samaritan*
12 *permit; and*

13 *(2) the Environmental Protection Agency.*

14 *(b) DEPOSITS.—Each Fund shall consist of—*

15 *(1) amounts provided in appropriation Acts;*

16 *(2) any proceeds from reprocessing deposited*
17 *under section 4(f)(4)(B)(iv);*

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

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

24 *(5) any amounts donated to the Fund by any*
25 *person.*

1 (c) *UNUSED FUNDS.*—Amounts in each Fund not cur-
2 rently needed to carry out this Act shall be maintained as
3 readily available or on deposit.

4 (d) *RETAIN AND USE AUTHORITY.*—The Adminis-
5 trator and each head of a Federal land management agency,
6 as appropriate, may, notwithstanding any other provision
7 of law, retain and use money deposited in the applicable
8 Fund without fiscal year limitation for the purpose of car-
9 rying out this Act.

10 **SEC. 6. REPORT TO CONGRESS.**

11 (a) *IN GENERAL.*—Not later than 8 years after the
12 date of enactment of this Act, the Administrator, in con-
13 sultation with the heads of Federal land management agen-
14 cies, shall submit to the Committee on Environment and
15 Public Works of the Senate and the Committees on Trans-
16 portation and Infrastructure, Energy and Commerce, and
17 Natural Resources of the House of Representatives a report
18 evaluating the Good Samaritan pilot program under this
19 Act.

20 (b) *INCLUSIONS.*—The report under subsection (a)
21 shall include—

22 (1) a description of—

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

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

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

6 (3) a description of—

7 (A) any problems encountered in admin-
8 istering this Act; and

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

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

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

Union Calendar No. 703

118TH CONGRESS
2^D SESSION

H. R. 7779

[Report No. 118-823, Part I]

A BILL

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

DECEMBER 11, 2024

Committee on Natural Resources discharged; committed
to the Committee of the Whole House on the State of
the Union and ordered to be printed