

# Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022

## Legislative Summary

The U.S. has over 140,000 abandoned hardrock mine features, of which 22,500 pose environmental hazards [according to the GAO](#). Organizations that have no legal or financial responsibility to an abandoned mine – true Good Samaritans – want to volunteer to remediate some of these sites. Unfortunately, liability risks under the Clean Water Act and Superfund rules (CERCLA) would leave these Good Samaritans responsible for the mines, even if they have made the mines safer. This Act creates a pilot permitting program with conditional liability relief for Good Samaritans to enable not-for-profit cleanup efforts to move forward, while ensuring Good Samaritans have the skills and resources to comply with federal oversight.

### **PURPOSE**

The legislation establishes a seven-year pilot permitting program for 15 Good Samaritan remediation projects on Federal, State, Tribal and private lands, at abandoned mines. Owners or operators of the mine are not eligible for Good Samaritan permits. This pilot program is designed for environmentally lower risk projects which will improve water and soil quality or otherwise protect human health.

### **WHAT DOES THE PERMIT DO?**

A permit grants Good Samaritans liability exemptions to the Clean Water Act and CERCLA in exchange for remediating abandoned mine sites. These liability protections only cover remediation of past mining residues and do not extend to exploration, or processing of newly mined materials. The sale of reprocessed minerals is only allowed if a project is on public land, and reprocessing has been approved as part of remediation. Proceeds beyond the cost of remediation go to a newly established mine remediation fund at the Treasury.

### **PERMITTING ENTITY**

The EPA will carry out the permitting process for non-federal lands, while the respective federal land management agency will lead the environmental review, public comment process, and enforce permits for projects on federal lands. To ensure collaboration, the EPA must provide notice to impacted State, Local, and Tribal governments within 14 days of receiving a permit application.

### **WHAT IS REQUIRED FOR A PERMIT?**

Permit applications require a description of all parties involved; assessment of baseline site conditions; and plans for engineering, operation, maintenance, post-remediation monitoring, accident contingency, and health and safety. Applicants must demonstrate the financial resources to ensure project completion. Applicants also have the option of a time-limited investigative permit to conduct environmental sampling before submitting for a full permit. Work must commence within 18 months of permit approval unless an extension is granted. The legislation does allow for a Good Samaritan permit to be transferred to an entity who qualifies as a Good Samaritan; the new permittee is bound by all terms of the permit.

### **WHAT ENVIRONMENTAL REVIEW IS REQUIRED?**

All eligible pilot projects are subject to the National Environmental Policy Act (NEPA). Due to the low-risk of these projects, a single Environmental Assessment (EA) document is expected to be appropriate for permit authorization. A permit may only be issued for a project of no significant impact, as supported by the EA.

### **MAKING A DIFFERENCE**

Section 40704 of the Infrastructure Investment and Jobs Act established a new abandoned hardrock mine reclamation fund to jumpstart abandoned mine cleanups, yet liability issues will prevent public-private partnerships from taking advantage of this new program. By passing Good Samaritan legislation, Congress can begin to remove these hurdles and maximize the impact of the new abandoned hardrock mine remediation program, both on the ground and in communities.