AMENDMENT TO H.R. 2262

OFFERED BY MR. UDALL OF COLORADO

At the end of title V, insert the following (and conform the table of contents accordingly):

1 **SEC. 601. SHORT TITLE, FINDINGS, AND PURPOSE.**

2 (a) SHORT TITLE.—This title may be cited as the
3 "Good Samaritan Cleanup of Abandoned Hardrock Mines
4 Act of 2007".

5 (b) FINDINGS.—Congress finds that—

6 (1) the Federal Government and State govern-
7 ments encouraged hard rock mining in the United
8 States through a wide variety of laws, policies, and
9 actions;

10 (2) mining operations produce metals and min-
11 erals with important social benefits and values;

12 (3) many areas in which historic mining took
13 place in the United States are now inactive and
14 abandoned mine sites;

15 (4) the mining activities that took place prior to
16 the enactment of modern environmental laws often
17 disturbed public and private land, and those disturb-
18 ances lead to environmental pollution, including the

1 discharge of pollutants to surface water and ground-
2 water;
3 (5) many of the individual and corporate own-
4 ers and operators of the mines, whose actions caused
5 that pollution, are no longer alive or in existence;
6 (6) many of the mine sites have polluted the en-
7 vironment for more than a century and will continue
8 to do so indefinitely unless remediated;
9 (7) unabated discharges from inactive and
10 abandoned mines will continue to pollute surface
11 water, groundwater, and soils;
12 (8) many of the streams and water bodies im-
13 pacted by acid mine drainage are important re-
14 sources for fish and wildlife, recreation, drinking
15 water, agriculture, and other public purposes;
16 (9) some of the remaining owners and operators
17 of mine sites do not have resources that are ade-
18 quate to conduct remediation properly under appli-
19 cable environmental laws; and
20 (10) from time to time, States, individuals, and
21 companies are willing to remediate historic mine
22 sites for the public good as Good Samaritans, de-
23 spite the fact that the States, individuals, and com-
24 panies are not legally required to remediate the mine
25 sites;

1 (11) Good Samaritan remediation activities
2 may—
3 (A) vary in size and complexity;
4 (B) reflect the myriad methods in which
5 mine residue may be cleaned up; and
6 (C) include, among other activities—
7 (i) the removal, relocation, or manage-
8 ment of tailings or other waste piles;
9 (ii) passive or active water treatment;
10 and
11 (iii) runoff or run-on controls;
12 (12) the potential liabilities under the Federal
13 Water Pollution Control Act that may attach to a
14 Good Samaritan as a result of the remediation can
15 dissuade potential Good Samaritans from acting for
16 the public good;
17 (13) it is in the interest of the United States,
18 the States, and local communities to remediate his-
19 toric mine sites, in appropriate circumstances and to
20 the maximum extent practicable, so that detrimental
21 environmental impacts of the sites are lessened in
22 the future; and
23 (14) if appropriate protections are provided for
24 Good Samaritans, Good Samaritans will have a

1 greater incentive to remediate those sites for the
2 public good.
3 (c) PURPOSES.—The purposes of this title are—
4 (1) to encourage partial or complete remedi-
5 ation of inactive and abandoned mine sites for the
6 public good by persons that are not legally respon-
7 sible for the remediation;
8 (2) to allow a person not legally responsible for
9 environmental conditions relating to inactive or
10 abandoned mine sites to improve water quality af-
11 fected by past mining activities at the site without
12 incurring liability under the Federal Water Pollution
13 Control Act in order to make further progress to-
14 ward the goal of meeting water quality standards in
15 all waters of the United States;
16 (3) to ensure that remediation performed by
17 Good Samaritans creates actual and significant envi-
18 ronmental benefits;
19 (4) to ensure that remediation by Good Samari-
20 tans is carried out—
21 (A) with the approval and agreement, and
22 in the discretion, of affected Federal, State, and
23 tribal authorities and with review and comment
24 by the public; and

1 (B) in a manner that is beneficial to the
2 environment and all affected communities;
3 (5) to further innovation and cooperation
4 among the Federal Government, State governments,
5 private individuals, and corporations to accelerate
6 conservation and environmental restoration.
7 (d) SCOPE.—Nothing in this title is intended to—
8 (1) reduce any existing liability; or
9 (2) facilitate any mining or processing other
10 than that required for the remediation of historic
11 mine residue for the public good.
12 **SEC. 602. GOOD SAMARITAN DISCHARGE PERMITS.**
13 Section 402 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1342) is amended by adding at the end
15 the following:
16 "(r) GOOD SAMARITAN DISCHARGE PERMITS.—
17 "(1) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions apply:
19 "(A) COOPERATING PERSON.—The term
20 'cooperating person' means any person includ-
21 ing the Federal Government that—
22 "(i) meets the definition of Good Sa-
23 maritan;

1 "(ii) assists a Good Samaritan in the
2 remediation of an inactive or abandoned
3 mine site; and
4 "(iii) is identified in a Good Samari-
5 tan discharge permit issued pursuant to
6 this subsection.
7 "(B) GOOD SAMARITAN.—The term 'Good
8 Samaritan' means a person that, with respect
9 to historic mine residue at an inactive or aban-
10 doned mine site—
11 "(i) had no role in the creation of the
12 historic mine residue;
13 "(ii) had no role and is not related to
14 a person who had a role in creating the en-
15 vironmental pollution caused by the his-
16 toric mine residue; and
17 "(iii) is not liable under any Federal,
18 State, tribal, or local law for the remedi-
19 ation of the historic mine residue.
20 "(C) GOOD SAMARITAN DISCHARGE PER-
21 MIT.—The term 'Good Samaritan discharge
22 permit' means a permit described under para-
23 graph (2).
24 "(D) HISTORIC MINE RESIDUE.—

1 "(i) IN GENERAL.—The term 'historic
2 mine residue' means mine residue or condi-
3 tions resulting from activities at an inac-
4 tive or abandoned mine site prior to Octo-
5 ber 18, 1972, that cause or contribute to
6 the discharge of pollutants from the inac-
7 tive or abandoned mine site or otherwise
8 pollute the environment.
9 "(ii) INCLUSIONS.—The term 'historic
10 mine residue' includes, among other mate-
11 rials—
12 "(I) previously mined ores and
13 minerals that contribute to acid mine
14 drainage or other pollution;
15 "(II) equipment (or materials in
16 equipment);
17 "(III) wastes or materials from
18 extractions, beneficiation, or other
19 processing; and
20 "(IV) acidic or otherwise polluted
21 flows in surface water or groundwater.
22 "(E) IDENTIFIABLE OWNER OR OPER-
23 ATOR.—The term 'identifiable owner or oper-
24 ator' means a person or entity that is—

1 "(i) legally responsible under section
2 301 for discharges from an inactive or
3 abandoned mine site; and
4 "(ii) financially capable of compliance
5 with the requirements of this section and
6 section 301.
7 "(F) INACTIVE OR ABANDONED MINE SITE;
8 MINE SITE.—The terms 'inactive or abandoned
9 mine site' and 'mine site' mean the site of a
10 mine and associated facilities that—
11 "(i) were used for the production of a
12 mineral other than coal;
13 "(ii) have historic mine residue; and
14 "(iii) are no longer actively mined
15 (and not in temporary shutdown)—at the
16 times at which the remediation plan is sub-
17 mitted and the Good Samaritan discharge
18 permit is issued.
19 "(G) PERMITTING AUTHORITY.—The term
20 'permitting authority' means the Administrator
21 or, in the case of a State or Indian tribe with
22 an approved permitting program under this sec-
23 tion, the head of such program.
24 "(H) INDIAN TRIBE.—The term 'Indian
25 tribe' has the meaning given that term in sec-

1 tion 4 of the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C. 450b).
3 "(I) PERSON.—The term 'person' in-
4 cludes—
5 "(i) an individual;
6 "(ii) a firm;
7 "(iii) a corporation;
8 "(iv) an association;
9 "(v) a partnership;
10 "(vi) a consortium;
11 "(vii) a joint venture;
12 "(viii) a commercial entity;
13 "(ix) a nonprofit organization;
14 "(x) the Federal Government;
15 "(xi) a State;
16 "(xii) a political subdivision of a
17 State;
18 "(xiii) an interstate entity;
19 "(xiv) a commission; and
20 "(xv) an Indian tribe.
21 "(2) GOOD SAMARITAN DISCHARGE PERMITS.—
22 "(A) IN GENERAL.—The permitting au-
23 thority, with the concurrence of the State in
24 which an inactive or abandoned mine site reme-
25 diation project is proposed or a Federal agency

1 or Indian tribe which owns or has jurisdiction
2 over the site on which a remediation project is
3 proposed, may issue a Good Samaritan dis-
4 charge permit to a Good Samaritan.
5 "(B) STATE OR TRIBAL PROGRAMS.—The
6 Administrator shall approve a State or Tribal
7 program for issuance of Good Samaritan dis-
8 charge permits to any State or Indian tribe,
9 if—
10 "(i) the State or Indian Tribe already
11 has authority to issue a permit under this
12 section; and
13 "(ii) the State or Indian tribe re-
14 quests such approval.
15 "(3) ELIGIBILITY FOR GOOD SAMARITAN DIS-
16 CHARGE PERMITS.—To be eligible for a Good Sa-
17 maritan discharge permit to carry out a project to
18 remediate an inactive or abandoned mine site under
19 this section—
20 "(A) the mine site shall be located in the
21 United States;
22 "(B) the purpose of the project shall be
23 the reduction of pollution caused by historic
24 mine residue;

1 "(C) the mine site may not be a mine site
2 included on the national priorities list under
3 section 105(a)(8)(B) of the Comprehensive En-
4 vironmental Response, Compensation, and Li-
5 ability Act of 1980 (42 U.S.C. 9605(a)(8)(B))
6 or where there is an ongoing or planned re-
7 moval under such Act;
8 "(D) the permit shall authorize only those
9 activities that are required for the remediation
10 of historic mine residue at the mine site; and
11 "(E) the person obtaining the permit shall
12 be a Good Samaritan.
13 "(4) PERMIT PROCESS.—
14 "(A) SCOPE.—A Good Samaritan may
15 apply for a Good Samaritan discharge permit
16 for remediation activities at inactive or aban-
17 doned mine sites from which there is or may be
18 a discharge of pollutants to waters of the
19 United States.
20 "(B) REMEDIATION PLAN.—A Good Sa-
21 maritan seeking a Good Samaritan discharge
22 permit shall submit an application for the per-
23 mit that includes a remediation plan that—

1 "(i) identifies the Good Samaritan
2 and any cooperating person with respect to
3 the plan;
4 "(ii) identifies the inactive or aban-
5 doned mine site addressed by the plan, in-
6 cluding such documentation as the permit-
7 ting authority finds sufficient to dem-
8 onstrate that the site is eligible under this
9 section;
10 "(iii) identifies the waters of the
11 United States affected by past mining ac-
12 tivities at or immediately downstream from
13 the inactive or abandoned mine site;
14 "(iv) describes the baseline condition
15 of the waters at the time of the permit ap-
16 plication (including the nature and extent
17 of any adverse impact on water quality
18 caused by drainage from the abandoned or
19 inactive mine site and, as applicable, the
20 levels of any pollutant causing the impact);
21 "(v) describes the conditions at the in-
22 active or abandoned mine site that are
23 causing adverse water quality impacts to
24 the extent such conditions are known to

1 the Good Samaritan at the time of the ap-
2 plication;
3 "(vi) describes the applicant's reason-
4 able efforts to identify identifiable owners
5 or operators;
6 "(vii) describes the remediation goals
7 and objectives, including the pollutant or
8 pollutants to be addressed by the plan, in-
9 cluding actions taken that will result in at-
10 tainment of the applicable water quality
11 standards to the maximum extent reason-
12 able and practicable under the cir-
13 cumstances;
14 "(viii) describes the practices, includ-
15 ing a schedule and estimated completion
16 date for implementing the practices, that
17 are proposed to meet the goals and objec-
18 tives under clause (vii), including—
19 "(I) in the case of a new remedi-
20 ation project, the preliminary system
21 design and construction, operation,
22 and maintenance plans; and
23 "(II) in the case of an existing
24 remediation project, available system
25 design and construction, operation,

1 and maintenance plans and any
2 planned improvements to the projects;
3 "(ix) describes any proposed recycling
4 or reprocessing of historic mine residue at
5 the site subject to paragraph (8)(E), and
6 how such activities relate to the remedi-
7 ation;
8 "(x) explains how the practices de-
9 scribed in clause (viii) are expected to
10 achieve goals and objectives under clause
11 (vii);
12 "(xi) describes the monitoring or
13 other forms of assessment that will be un-
14 dertaken to evaluate the success of the
15 practices during and after implementation,
16 relative to baseline conditions;
17 "(xii) describes contingency plans, in-
18 cluding the practices to be implemented to
19 achieve the remediation goals and objec-
20 tives described in clause (vii), for respond-
21 ing to unplanned adverse events;
22 "(xiii) provides a schedule for periodic
23 reporting on progress in implementing the
24 plan;

1 "(xiv) provides a budget for the plan
2 and identifies the funding sources that will
3 support the implementation of the plan, in-
4 cluding practices described in clauses (viii),
5 (xi), and (xii);
6 "(xv) describes the applicant's legal
7 authority to enter and conduct activities at
8 the inactive or abandoned mine site ad-
9 dressed by the plan;
10 "(xvi) describes any public outreach
11 activities and contains any other additional
12 information requested by the Adminis-
13 trator to clarify the plan and the activities
14 covered by the plan; and
15 "(xvii) is signed and certified by the
16 applicant (in a manner consistent with reg-
17 ulations in section 122.22 of title 40, Code
18 of Federal Regulations, in effect on Octo-
19 ber 1, 2007).
20 "(C) INVESTIGATIVE SAMPLING.—
21 "(i) IN GENERAL.—A permit may
22 identify a program of investigative sam-
23 pling to be completed prior to remediation
24 if the permitting authority, upon applica-
25 tion, determines the program to be appro-

1 priate. Any such program shall use test
2 methods identified in part 136 of title 40,
3 Code of Federal Regulations, in effect on
4 October 1, 2007. All samples collected dur-
5 ing any such program shall be representa-
6 tive of the discharge from the abandoned
7 or inactive mine site, and records of all
8 sampling events shall be retained for not
9 less than 3 years.

10 "(ii) INITIAL PLAN.—If the Good Sa-
11 maritan proposes to conduct investigative
12 sampling, the initial remediation plan shall
13 provide the information required by sub-
14 paragraphs (B)(iv), (v), and (vii) through
15 (xiv) to the extent known, to be supple-
16 mented by the results of investigative sam-
17 pling prior to the implementation of reme-
18 diation.

19 "(iii) PERMIT MODIFICATION.—Based
20 upon investigative sampling results, a per-
21 mit may be modified pursuant to the per-
22 mit procedures in this section.

23 "(iv) OPTION TO DECLINE REMEDI-
24 ATION.—In the event that investigative
25 sampling is authorized, the permit may

1 allow the permittee to decline to undertake
2 remediation based on the results of inves-
3 tigative sampling.
4 "(D) REVIEW OF APPLICATION.—
5 "(i) INITIAL REVIEW.—The permit-
6 ting authority shall—
7 "(I) review each application for a
8 Good Samaritan discharge permit;
9 "(II) provide to the public notice
10 of and reasonable opportunity to com-
11 ment on the application;
12 "(III) in cases where the Admin-
13 istrator is the permitting authority,
14 provide a copy of the application to
15 each affected State, tribe, or other
16 Federal agency;
17 "(IV) provide an opportunity for
18 a public hearing on the application;
19 and
20 "(V) determine whether the ap-
21 plication meets the requirements of
22 subparagraph (B).
23 "(ii) REQUIREMENTS NOT MET.—If
24 the permitting authority determines that
25 an application does not meet the require-

1 ments of subparagraph (B), the permitting
2 authority shall—
3 "(I) notify the applicant that the
4 application is disapproved and explain
5 the reasons for the disapproval; and
6 "(II) allow the applicant to sub-
7 mit a revised application.
8 "(iii) REQUIREMENTS MET.—If the
9 permitting authority determines that an
10 application meets the requirements of sub-
11 paragraph (B), the permitting authority
12 shall notify the applicant that the applica-
13 tion is accepted.
14 "(E) PERMIT ISSUANCE.—
15 "(i) NOTICE AND COMMENT.—After
16 notice and opportunity for public comment
17 on a Good Samaritan discharge permit
18 proposed to be issued, including any addi-
19 tional requirements that the permitting au-
20 thority determines would facilitate imple-
21 mentation of this subsection, the permit-
22 ting authority may issue such permit to
23 the applicant if—
24 "(I) the permitting authority de-
25 termines that—

1 "(aa) relative to the re-
2 sources available to the Good Sa-
3 maritan for the proposed remedi-
4 ation activity, the Good Samari-
5 tan has made a reasonable effort
6 to identify persons under sub-
7 paragraph (B)(vi);
8 "(bb) no identifiable owner
9 or operator exists, except a per-
10 mit can be issued for an inactive
11 or abandoned mine site located
12 on Federal land or land owned by
13 a State or political subdivision of
14 the State if the only identifiable
15 owner or operator is the Federal
16 Government (with respect to a
17 site on Federal land) or such
18 State or political subdivision; and
19 "(cc) the remediation plan
20 demonstrates with reasonable
21 certainty that its implementation
22 will not result in water quality
23 that is worse than the baseline
24 condition of the waters described
25 in subparagraph (B)(iv) and

1 there is a reasonable basis to
2 conclude, taking into consider-
3 ation the resources identified by
4 the Good Samaritan for the pro-
5 posed remediation activity pursu-
6 ant to subparagraph (B)(xiv),
7 that such implementation will im-
8 prove water quality so as to re-
9 sult as closely as possible in the
10 attainment of applicable water
11 quality standards as is reason-
12 able and practicable under the
13 circumstances;
14 "(dd) the permit applicant
15 has provided adequate evidence
16 of financial resources that will
17 allow the applicant to complete
18 the permitted work; and
19 "(ee) the project meets the
20 requirements of this section; and
21 "(II) any Federal, State, and
22 tribal land management agency with
23 jurisdiction over inactive or aban-
24 doned mine sites to be subject to the
25 proposed permit or public trustee for

1 natural resources affected by historic
2 mine residue associated with such
3 mine site does not object to the
4 issuance of the permit.
5 "(III) in cases where the Admin-
6 istrator is the permitting authority,
7 the affected State or tribe concurs
8 with the issuance of the permit.
9 "(F) TIMING.—The permitting authority
10 shall seek to issue or deny a permit for the re-
11 mediation of a mine site not later than the date
12 that is 180 days after the date of receipt by the
13 permitting authority of an application for the
14 permit that, as determined by the permitting
15 authority, is complete.
16 "(G) MODIFICATION.—
17 "(i) APPROVAL AND DISAPPROVAL
18 PROCESS.—After receipt of a written re-
19 quest by a permittee the permitting au-
20 thority shall approve or disapprove a modi-
21 fication of a permit.
22 "(ii) PERMIT MODIFICATION.—A per-
23 mit modification approved by the permit-
24 ting authority under this subsection shall
25 be

1 "(I) by agreement of the per-
2 mittee and the permitting authority,
3 and, in cases where the Administrator
4 is the permitting authority, the af-
5 fected State or tribe;
6 "(II) after providing the public
7 notice of, and opportunity for com-
8 ment and a hearing on, a proposed
9 modification of a Good Samaritan dis-
10 charge permit;
11 "(III) in accordance with the
12 standards in subparagraph
13 (E)(i)(I)(c); and
14 "(IV) immediately reflected in,
15 and applicable to, the Good Samaritan
16 discharge permit.
17 "(5) CONTENTS OF PERMIT.—
18 "(A) IN GENERAL.—A Good Samaritan
19 discharge permit—
20 "(i) shall include a remediation plan
21 approved by the permitting authority and
22 any additional requirements that the per-
23 mitting authority establishes under para-
24 graph (10); and

1 "(ii) shall provide for compliance with
2 and implementation of the remediation
3 plan and any other requirements described
4 under clause (i).
5 "(B) REVIEW.—A permit shall establish a
6 schedule for review, by the permitting author-
7 ity, of compliance with the conditions and limi-
8 tations of the permit.
9 "(C) EFFECT OF COMPLIANCE.—Compli-
10 ance with a Good Samaritan discharge permit
11 shall constitute compliance with section 301.
12 Neither the holder of such a permit nor a co-
13 operating person identified in such a permit
14 shall be responsible for implementing any reme-
15 diation activities other than those specified in
16 the remediation plan included in the permit.
17 This subparagraph shall not be affected by the
18 termination of such a permit.
19 "(6) FAILURE TO COMPLY.—Failure of a Good
20 Samaritan, while operating under an approved Good
21 Samaritan discharge permit, to comply with any
22 condition or limit of the permit shall be considered
23 a violation subject to enforcement pursuant to sec-
24 tions 309 and 505.
25 "(7) TERMINATION.—

1 "(A) IN GENERAL.—The permitting au-
2 thority shall terminate a Good Samaritan dis-
3 charge permit if—
4 "(i) the Good Samaritan successfully
5 completes the implementation of the reme-
6 diation plan; or
7 "(ii) the discharges covered by the
8 permit—
9 "(I) become subject to a permit
10 issued under the other subsections of
11 this section for development that is
12 not part of the implementation of the
13 remediation plan; and
14 "(II) the Good Samaritan seek-
15 ing termination of coverage, and any
16 person cooperating with the Good Sa-
17 maritan with respect to the plan, is
18 not a participant in the development.
19 "(B) UNFORESEEN CIRCUMSTANCES.—If
20 an event or condition is encountered that re-
21 duces the significantly feasibility or significantly
22 increases the cost of completing the remediation
23 project, was not contemplated or designed for
24 by the remediation plan, and is beyond the con-
25 trol of the Good Samaritan—

1 "(i) the permitting authority shall
2 seek to modify the permit, with the agree-
3 ment of the permittee, to reflect the en-
4 countered event or condition; except that
5 "(ii) if the permittee does not agree to
6 a modification of the permit, and the per-
7 mitting authority determines that remedi-
8 ation activities under the permit have not
9 resulted in surface water quality condi-
10 tions, taken as a whole, that are worse
11 than the baseline condition of the waters
12 described in paragraph (4)(B)(iv), the per-
13 mitting authority shall terminate the per-
14 mit.
15 "(C) NO ENFORCEMENT LIABILITY.—
16 "(i) REMAINING DISCHARGES.—Sub-
17 ject to clause (ii), if a permit is terminated
18 under subparagraph (A) or (B), the Good
19 Samaritan to whom the permit was issued,
20 or a cooperating person with respect to the
21 plan, shall not be subject to enforcement
22 under any provision of this Act for any dis-
23 charges from the inactive or abandoned
24 mine site described in the permit.

1 "(ii) OTHER PARTIES.—This subpara-
2 graph does not limit the liability of any
3 person, other than the Good Samaritan to
4 whom the permit was issued or a cooper-
5 ating person.
6 "(8) LIMITATIONS.—
7 "(A) EMERGENCY POWERS.—Nothing in
8 this subsection limits the authority of the Ad-
9 ministrator under section 504.
10 "(B) PRIOR VIOLATIONS.—
11 "(i) ACTIONS AND RELIEF.—Except
12 as provided under clause (ii), issuance of a
13 permit under this subsection does not pre-
14 clude any action under section 309 or 505,
15 or affect the relief available in such an ac-
16 tion, with respect to a violation, by any
17 person, of this section or section 301(a)
18 that occurred prior to issuance of such a
19 permit.
20 "(ii) EXCEPTIONS.—If a permit cov-
21 ers remediation activities implemented by
22 the permit holder prior to the issuance of
23 the permit, clause (i) shall not apply to an
24 action that is based on conditions resulting
25 from those remediation activities. In addi-

1 tion, the holder of a permit issued under
2 this subsection shall not be subject to an
3 action under section 309 or 505 for any
4 violations by any other party.
5 "(C) OBLIGATION OF STATES AND INDIAN
6 TRIBES.—Except as expressly provided, nothing
7 in this subsection limits any obligation of a
8 State or Indian tribe under section 303.
9 "(D) OTHER DEVELOPMENT.—Any devel-
10 opment of an inactive or abandoned mine site
11 (including mineral exploration, processing,
12 beneficiation, or mining), including development
13 by a Good Samaritan or any cooperating person
14 with respect to the plan, not specifically de-
15 scribed in a permit issued by the permitting au-
16 thority under this subsection shall be subject to
17 this Act (other than this subsection). The com-
18 mingling of any other discharges or waters with
19 the discharges or waters subject to the Good
20 Samaritan discharge permit cannot limit or re-
21 duce the liability of persons associated with the
22 other waters or discharges.
23 "(E) RECOVERABLE VALUE.—A Good Sa-
24 maritan to whom a permit is issued may sell or
25 use materials recovered during the implementa-

1 tion of the plan, but the proceeds of any such
2 sale must be used to defray the costs of remedi-
3 ation of the site addressed in the permit or the
4 costs of voluntary remediation of any other in-
5 active or abandoned mine site covered by a per-
6 mit issued under this section.

7 "(F) STATE CERTIFICATION.—In so far as
8 this subsection may relate to water quality
9 standards, section 401 certification shall not
10 apply to permits under this section; except that,
11 in any case in which section 401 certification
12 would otherwise be required, no permit shall be
13 issued under this subsection without the con-
14 currence of the State in which the discharge is
15 located or the Indian tribe which owns or has
16 jurisdiction over the site on which a remediation
17 project is proposed.

18 "(G) STATE AND TRIBAL RECLAMATION
19 PROGRAMS.—No State, Indian tribe, or other
20 person shall be required to obtain a Good Sa-
21 maritan discharge permit pursuant to this sub-
22 section for any discharges, including any dis-
23 charges associated with the remediation of an
24 inactive or abandoned mine site when con-
25 ducting reclamation work under a State or trib-

1 al abandoned mine reclamation plan approved
2 under title IV of the Surface Mining Control
3 and Reclamation Act of 1977 (30 U.S.C. 1231
4 et seq.)
5 "(9) LIABILITY OF OTHER PARTIES.—Nothing
6 in this subsection, including any result caused by
7 any action taken by the Good Samaritan to whom a
8 permit is issued or a cooperating person, limits the
9 liability of any person other than the Good Samari-
10 tan or a cooperating person, under this Act or any
11 other law.
12 "(10) REGULATIONS.—
13 "(A) IN GENERAL.—Except as provided in
14 subparagraph (B), not later than one year after
15 the date of enactment of this subsection, the
16 Administrator, in consultation with Secretary of
17 the Interior and the Secretary of Agriculture
18 and State, tribal, and local officials and after
19 providing the public with notice of, and oppor-
20 tunity for comment and a hearing on, regula-
21 tions proposed to be promulgated, shall promul-
22 gate regulations establishing generally applica-
23 ble requirements for—
24 "(i) remediation plans described in
25 paragraph (4)(B); and

1 "(ii) as considered to be necessary by
2 the Administrator, other paragraphs of
3 this subsection.
4 "(B) SPECIFIC REQUIREMENTS BEFORE
5 PROMULGATION OF REGULATIONS.—Before pro-
6 mulgation of regulations pursuant to subpara-
7 graph (A), the permitting authority may estab-
8 lish, on a case-by-case basis, after notice and
9 opportunity for public comment, specific re-
10 quirements that the permitting authority deter-
11 mines would facilitate implementation of this
12 subsection in an individual permit issued to the
13 Good Samaritan.
14 "(11) FUNDING.—
15 "(A) ELIGIBILITY FOR SECTION 319
16 GRANTS.—Implementation of a remediation
17 plan under a permit issued under this sub-
18 section shall be eligible for grants under section
19 319(h).
20 "(B) OTHER GRANT FOR IMPLEMENTA-
21 TION OF REMEDIATION PLANS.—Subject to the
22 availability of appropriated funds, the Admini-
23 trator also may make a grant, without regard
24 to any requirements in section 319(h) con-
25 cerning the availability of State or other match-

1 ing funds, to any Good Samaritan for imple-
2 mentation of a remediation plan under a permit
3 issued under this subsection.
4 "(12) REPORT.—
5 "(A) IN GENERAL.—Not later than 1 year
6 before the date of the termination of the per-
7 mitting authority specified in paragraph (13),
8 the Administrator shall submit a report to Con-
9 gress on the activities authorized by this sub-
10 section.
11 "(B) CONTENTS.—The report required
12 under subparagraph (A), at a minimum, shall—
13 "(i) identify each permit, and associ-
14 ated Good Samaritan, issued under this
15 subsection;
16 "(ii) identify the inactive or aban-
17 doned mine site addressed by each permit
18 (including the water bodies and baseline
19 water quality of the water bodies affected
20 by the site);
21 "(iii) summarize the remediation plan
22 associated with each permit issued under
23 this subsection, including—
24 "(I) the goals and objectives of
25 the plan;

1 "(II) the plan budget; and
2 "(III) the practices to be em-
3 ployed according to the plan to re-
4 duce, control, mitigate, or eliminate
5 adverse water quality impacts;
6 "(iv) identify the status of the imple-
7 mentation of each remediation plan associ-
8 ated with each permit issued under this
9 subsection (including specific progress that
10 permitted remediation activities have made
11 toward achieving the goals and objectives
12 of the remediation plan);
13 "(v) identify and describe any enforce-
14 ment action taken by the Administrator or
15 applicable state or Indian tribe or any civil
16 action brought by a citizen concerning a
17 permit issued under this section (including
18 the disposition of the legal action); and
19 "(vi) include any recommendations
20 that may be proposed by the Administrator
21 for any modifications to existing law, in-
22 cluding this subsection, or the regulations
23 promulgated under paragraph (10) to im-
24 plement this subsection, that would facili-
25 tate the improvement of water quality

1 through the remediation of inactive or
2 abandoned mine sites.
3 "(13) TERMINATION OF PERMITTING AUTHOR-
4 ITY.—The authority granted to the permitting au-
5 thority under this subsection to issue a Good Samar-
6 itan discharge permit terminates on the date that is
7 10 years after the date of enactment of this sub-
8 section.
9 "(14) SEVERABILITY.—If any provision of this
10 subsection, or the application of any provision of this
11 subsection to any person or circumstance, is held in-
12 valid, the application of such provision to other per-
13 sons or circumstances, and the remainder of this
14 subsection, shall not be affected thereby.".