A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Good Samaritan
Cleanup of Abandoned Hardrock Mines Act of 2013”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government and State govern-
ments have encouraged hardrock mining in the
United States through a wide variety of laws, policies, and actions;

(2) mining operations produce metals and minerals that have important social benefits and values;

(3) many areas in the United States at which historic mining operations took place are now the locations of inactive and abandoned mine sites;

(4) the mining activities that took place prior to the enactment of modern environmental laws often disturbed public and private land, and those disturbances led to environmental pollution, including the discharge of pollutants into surface water and groundwater;

(5) many of the individuals and corporate owners and operators of mines the actions of which caused the pollution described in paragraph (4) are no longer alive or in existence;

(6) many of the historic mining sites have polluted the environment for more than a century and, unless remedied, will continue to do so indefinitely;

(7) unabated discharges from inactive and abandoned mines will continue to pollute surface water, groundwater, and soils;

(8) many of the streams and water bodies impacted by acid mine drainage are important re-
sources for fish and wildlife, recreation, drinking
water, agriculture, and other public purposes;

(9) some of the remaining owners and operators
of historic mine sites do not have adequate resources
to properly conduct the remediation of the mine sites
under applicable environmental laws;

(10) from time to time, States, individuals, and
companies are willing to remediate historic mine
sites for the public good as Good Samaritans, de-
spite the fact that those States, individuals, and
companies are not legally required to do so;

(11) Good Samaritan remediation activities
may—

(A) vary in size and complexity;

(B) reflect a myriad of methods by which
mine residue may be cleaned up; and

(C) include, among other activities—

(i) the removal, relocation, or manage-
ment of tailings or other waste piles;

(ii) passive or active water treatment;

and

(iii) runoff or runon controls;

(12) the potential obligations, requirements,
and liabilities under the Federal Water Pollution
Control Act (33 U.S.C. 1251 et seq.) that may at-
tach to Good Samaritans as the result of the con-
duct by the Good Samaritans of remediation activi-
ties can dissuade potential Good Samaritans from
acting for the public good;

(13) it is in the interest of the United States,
the States, and local communities to remediate his-
toric mine sites—

(A) in appropriate circumstances and to
the maximum extent practicable; and

(B) so that the detrimental environmental
impacts of the historic mine sites are lessened
in the future; and

(14) if appropriate protections are provided to
Good Samaritans, Good Samaritans will have a
greater incentive to remediate historic mine sites for
the public good.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the partial or complete remedi-
ation of inactive and abandoned mine sites for the
public good by individuals or entities that are not le-
gally responsible for the remediation;

(2) to allow any individual or entity not legally
responsible for environmental conditions relating to
an inactive or abandoned mine site—
(A) to make further progress toward the goal of meeting water quality standards in all water of the United States; and

(B) to improve other environmental media affected by past mining activities at the inactive or abandoned mine site without incurring any obligation or liability with respect to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(3) to ensure that remediation activities performed by Good Samaritans—

(A) result in actual and significant environmental benefits; and

(B) are carried out—

(i) with the approval and agreement, and at the discretion, of affected Federal, State, and tribal authorities;

(ii) in a manner that enables the public to conduct a review of, and submit comments relating to, the remediation activities; and

(iii) in a manner that is beneficial to the environment and each community affected by the remediation activities; and
(4) to further the innovations of, and cooperation among, the Federal Government, State and tribal governments, private individuals, and corporations to accelerate efforts relating to conservation and environmental restoration.

**SEC. 3. SCOPE.**

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

(1) reduces any existing liability; or

(2) facilitates the conduct of any mining or processing other than the conduct of any mining or processing that is required for the remediation of historic mine residue for the public good.

**SEC. 4. GOOD SAMARITAN DISCHARGE PERMITS.**

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) GOOD SAMARITAN DISCHARGE PERMITS.—

“(1) DEFINITIONS.—In this subsection:

“(A) COOPERATING PERSON.—

“(i) IN GENERAL.—The term ‘cooperating person’ means any person that—

“(I) is a Good Samaritan;
“(II) assists a permittee in the remediation of an inactive or abandoned mine site; and

“(III) is identified in a Good Samaritan discharge permit issued under paragraph (2).

“(ii) INCLUSION.—The term ‘cooperating person’ includes the Federal Government.

“(B) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a person that—

“(i) is a Good Samaritan; and

“(ii) proposes a project, the purpose of which is to remediate, in whole or in part, actual or threatened pollution caused by historic mine residue at an inactive or abandoned mine site.

“(C) GOOD SAMARITAN.—The term ‘Good Samaritan’ means a person that, with respect to historic mine residue at an inactive or abandoned mine site—

“(i) had no role in the creation of the historic mine residue;
“(ii) had no role in creating any environmental pollution caused by the historic mine residue; and

“(iii) is not liable under any Federal, State, tribal, or local law for the remediation of the historic mine residue.

“(D) HISTORIC MINE RESIDUE.—

“(i) IN GENERAL.—The term ‘historic mine residue’ means mine residue or any condition resulting from activities at an inactive or abandoned mine site prior to October 18, 1972, that—

“(I) causes or contributes to the actual or threatened discharge of pollutants from the inactive or abandoned mine site; or

“(II) otherwise pollutes the environment.

“(ii) INCLUSIONS.—The term ‘historic mine residue’ includes—

“(I) ores and minerals that—

“(aa) were mined during the active operation of an inactive or abandoned mine site; and
“(bb) contribute to acid mine drainage or other environmental pollution;
“(II) equipment (including materials in equipment);
“(III) any waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an inactive or abandoned mine site; and
“(IV) any acidic or otherwise polluted flow in surface water or groundwater that originates from an inactive or abandoned mine site.

“(E) IDENTIFIABLE OWNER OR OPERATOR.—The term ‘identifiable owner or operator’ means a person that is—
“(i) legally responsible under section 301 for a discharge that originates from an inactive or abandoned mine site; and
“(ii) financially capable of complying with each requirement described in this section and section 301.
“(F) INACTIVE OR ABANDONED MINE SITE.—

“(i) IN GENERAL.—The term ‘inactive or abandoned mine site’ means a mine site (including associated facilities) that—

“(I) is located in the United States;

“(II) was used for the production of a mineral other than coal;

“(III) has historic mine residue; and

“(IV) is no longer actively mined on the date on which an eligible applicant submits to a permitting authority a remediation plan relating to an application for a Good Samaritan discharge permit under paragraph (3)(B) for the remediation of the mine site.

“(ii) EXCLUSIONS.—The term ‘inactive or abandoned mine site’ does not include a mine site (including associated facilities) that is—

“(I) in a temporary shutdown;

“(II) included on the National Priorities List developed by the Presi-
dent in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); or

“(III) the subject of an ongoing or planned remedial action carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(G) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(H) PERMITTEE.—The term ‘permittee’ means a person that is issued a Good Samaritan discharge permit under this subsection.

“(I) PERMITTING AUTHORITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘permitting authority’ means the Administrator.

“(ii) EXCEPTION.—In the case of a State or Indian tribe with an approved permitting program under paragraph
(2)(B), the term ‘permitting authority’
means the head of the permitting program
of the State or Indian tribe.

“(J) PERSON.—The term ‘person’ in-
cludes—

“(i) an individual;
“(ii) a firm;
“(iii) a corporation;
“(iv) an association;
“(v) a partnership;
“(vi) a consortium;
“(vii) a joint venture;
“(viii) a commercial entity;
“(ix) a nonprofit organization;
“(x) the Federal Government;
“(xi) a State (including a political
subdivision of a State);
“(xii) an interstate entity;
“(xiii) a commission; and
“(xiv) an Indian tribe.

“(2) GOOD SAMARITAN DISCHARGE PERMITS.—
“(A) IN GENERAL.—A permitting author-
ity may issue a Good Samaritan discharge per-
mit to an eligible applicant in concurrence, if
applicable, with—
“(i) the State in which the proposed inactive or abandoned mine site remediation project is located; or

“(ii) the Federal agency or Indian tribe that owns or has jurisdiction over the site at which the proposed inactive or abandoned mine site remediation project is located.

“(B) State or tribal programs.—The Administrator shall approve a State or tribal program for the issuance of Good Samaritan discharge permits if—

“(i) the State or Indian tribe has, as of the date of enactment of this subsection, authority to issue a permit under subsection (b); and

“(ii) the State or Indian tribe requests such authority.

“(3) Permit process.—

“(A) Scope.—An eligible applicant may apply for a Good Samaritan discharge permit to conduct remediation activities at any inactive or abandoned mine site from which there is, or may be, a discharge or a threatened discharge
of pollutants into any water of the United States.

“(B) REMEDIATION PLAN.—To apply for a Good Samaritan discharge permit under sub-paragraph (A), an eligible applicant shall submit to the permitting authority an application that contains a remediation plan that, to the extent known by the eligible applicant as of the date on which the application is submitted, contains—

“(i) an identification of—

“(I) the eligible applicant (including any cooperating person) with respect to the remediation plan;

“(II) the mine site that is the subject of the remediation plan (including such documentation as the permitting authority determines to be sufficient to demonstrate to the permitting authority that the mine site is an inactive or abandoned mine site); and

“(III) each body of water of the United States that is affected by ac-
tual or threatened discharges from the
inactive or abandoned mine site;
“(ii) a description of—
“(I) the baseline conditions of
each body of water described in clause
(i)(III) as of the date on which the eligi-
gible applicant submits the applica-
tion, including—
“(aa) the nature and extent
of any adverse impact on the
quality of each body of water
caused by the drainage of historic
mine residue or other discharges
from the inactive or abandoned
mine site; and
“(bb) as applicable, the level
of any pollutant in each body of
water that has resulted in an ad-
verse impact described in item
(aa);
“(II) the conditions of the inac-
tive or abandoned mine site that cause
adverse impacts to the quality of each
body of water described in clause
(i)(III);
“(III) the reasonable efforts taken by the eligible applicant to identify identifiable owners or operators of the inactive or abandoned mine site that is the subject of the application;

“(IV) each remediation goal and objective proposed by the eligible applicant, including—

“(aa) each pollutant to be addressed by the remediation plan; and

“(bb) each action that the eligible applicant proposes to take that, to the maximum extent reasonable and practicable under the circumstances, will assist in the attainment of each applicable water quality standard;

“(V) the practices (including a schedule and estimated completion date for the implementation of each practice) that are proposed by the eligible applicant to meet each remediation goal and objective described in subclause (IV), including—
“(aa) in the case of a new remediation project, the preliminary system design and construction, operation, and maintenance plans relating to the new remediation project; and

“(bb) in the case of an existing remediation project, available system design and construction, operation, and maintenance plans and any planned improvements with respect to the existing remediation project;

“(VI) any proposed recycling or reprocessing of historic mine residue to be conducted by the eligible applicant (including a description of how each proposed recycling or reprocessing activity relates to the remediation of an inactive or abandoned mine site);

“(VII) the monitoring or other forms of assessment that will be undertaken by the eligible applicant to evaluate the success of the practices
described in subclause (V) during and
after the implementation of the reme-
diation plan, with respect to the base-
line conditions;

“(VIII) each contingency plan
that is designed for responding to un-
planned adverse events (including the
practices to be implemented to achieve
each remediation goal and objective
described in subclause (IV));

“(IX) the legal authority of the
eligible applicant to enter, and con-
duct activities at, the inactive or
abandoned mine site that is the sub-
ject of the remediation plan; and

“(X) any public outreach activity
to be conducted by the eligible appli-
cant;

“(iii) an explanation of the manner by
which the practices described in clause
(ii)(V) are expected to achieve each reme-
diation goal and objective described in
clause (ii)(IV);

“(iv) a schedule for the periodic re-
porting by the eligible applicant with re-
spec to any progress in implementing the remediation plan;

“(v) a budget for the remediation plan that includes a description of each funding source that will support the implementation of the remediation plan, including—

“(I) each practice described in clause (ii)(VIII);

“(II) each action described in clause (ii)(IV)(bb); and

“(III) each monitoring or other appropriate activity described in clause (ii)(VII); and

“(vi) any other additional information requested by the Administrator to clarify the remediation plan and each proposed activity covered by the remediation plan.

“(C) CERTIFICATION OF PLAN.—An application for a Good Samaritan discharge permit submitted by an eligible applicant to a permitting authority under subparagraph (B) shall be signed and certified in a manner consistent with section 122.22 of title 40, Code of Federal Regulations.

“(D) INVESTIGATIVE MEASURES.—
“(i) IN GENERAL.—A Good Samaritan discharge permit may include a program of investigative measures to be completed prior to the remediation of the inactive or abandoned mine site that is the subject of the permit if the permitting authority, upon the receipt of the application of an eligible applicant for a Good Samaritan discharge permit, determines the program of investigative measures to be appropriate.

“(ii) PROGRAM REQUIREMENTS.—Any water sampling included in the program of investigative measures described in clause (i) shall be conducted by an eligible applicant in accordance with any applicable method described in part 136 of title 40, Code of Federal Regulations.

“(iii) REQUIREMENTS RELATING TO SAMPLES.—In conducting a program of investigative measures described in clause (i), an eligible applicant shall—

“(I) ensure that each sample collected under the program is representative of the conditions present at the
inactive or abandoned mine site that
is the subject of the program; and

“(II) retain records of all sam-
pling events for a period of not less
than 3 years.

“(iv) INITIAL PLAN.—

“(I) IN GENERAL.—If an eligible
applicant proposes to conduct a pro-
gram of investigative measures, the el-
igible applicant shall submit to the
permitting authority a plan that con-
tains, to the extent known by the eli-
gible applicant as of the date on which
the eligible applicant submits the ap-
lication—

“(aa) each description re-
quired under subclauses (I), (II),
and (IV) through (VIII) of sub-
paragraph (B)(ii);

“(bb) the explanation re-
quired under subparagraph
(B)(iii);

“(cc) the schedule required
under subparagraph (B)(iv); and
“(dd) the budget required under subparagraph (B)(v).

“(II) Responsibility to supplement descriptions.—An eligible applicant that conducts a program of investigative measures shall, based on the results of the program, supplement each item described in subclause (I), as necessary.

“(v) Report of results.—The results of the program of investigative measures shall be—

“(I) detailed in a report for the permitting agency; and

“(II) made available by the applicant to any member of the public that requests the report.

“(vi) Permit modification.—Based upon the results of the investigative measures, a Good Samaritan discharge permit may be modified pursuant to the permit procedures described in this subsection.

“(vii) Option to decline remediation.—A Good Samaritan discharge permit may allow the permittee to decline to
undertake remediation based on the results of the investigative sampling program, if—

“(I) the program of investigative measures is authorized under this subparagraph; and

“(II) the activities under the program of investigative measures have not resulted in surface water quality conditions, taken as a whole, that are worse than the baseline condition of bodies of water described in subparagraph (B)(ii)(I).

“(E) REVIEW OF APPLICATION.—

“(i) INITIAL REVIEW.—The permitting authority shall—

“(I) review each application submitted by an eligible applicant for a Good Samaritan discharge permit;

“(II) provide to the public, with respect to the Good Samaritan discharge permit—

“(aa) notice and a reasonable opportunity to comment; and

“(bb) a public hearing;
“(III) if the Administrator is the permitting authority, provide a copy of the application to each affected State, Indian tribe, and other Federal agency; and

“(IV) determine whether the application for the Good Samaritan discharge permit meets each requirement described in subparagraph (B).

“(ii) REQUIREMENTS NOT MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit does not meet each requirement described in subparagraph (B), the permitting authority shall—

“(I) notify the eligible applicant that the application is disapproved and explain the reasons for the disapproval; and

“(II) allow the eligible applicant to submit a revised application.

“(iii) REQUIREMENTS MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit meets each requirement de-
scribed in subparagraph (B), the permitting authority shall notify the eligible applicant that the application is accepted.

“(F) PERMIT ISSUANCE.—After notice and opportunity for public comment with respect to a Good Samaritan discharge permit proposed by a permitting authority to be issued under this subsection (including any additional requirement that the permitting authority determines would facilitate the implementation of this subsection), the permitting authority may issue a permit to an eligible applicant if—

“(i) the permitting authority determines that—

“(I) relative to the resources identified by the eligible applicant for funding the proposed remediation activity, the eligible applicant has made a reasonable effort to identify identifiable owners or operators under subparagraph (B)(ii)(III);

“(II) no identifiable owner or operator exists (except, with respect to Federal land, where the only identifiable-
able owner or operator is the Federal Government);

“(III) taking into consideration each funding source (including the amount of each funding source) identified by the eligible applicant for the proposed remediation activity in accordance with subparagraph (B)(v), the remediation plan of the eligible applicant demonstrates that the implementation of the remediation plan will—

“(aa) assist in the attainment of applicable water quality standards to the extent reasonable and practicable under the circumstances; and

“(bb) not result in water quality that is worse than the baseline water condition described in subparagraph (B)(ii)(I);

“(IV) the eligible applicant has provided adequate evidence of financial resources that will enable the eli-
gible applicant to complete the pro-
posed project of the eligible applicant;
and

“(V) the proposed project of the eligi-
able applicant meets the require-
ments of this section;

“(ii) any Federal, State, or tribal land
management agency with jurisdiction over
any inactive or abandoned mine site that is
the subject of the proposed permit, or any
public trustee for natural resources af-
fected by historic mine residue associated
with any inactive or abandoned mine site
that is the subject of the proposed permit,
does not object to the issuance of the per-
mit; and

“(iii) if the Administrator is the per-
mitting authority, the affected State or In-
dian tribe concurs with the issuance of the
permit.

“(G) DEADLINE RELATING TO APPROVAL
OR DENIAL OF APPLICATION.—Not later than
180 days after the date of receipt by a permit-
ting authority of an application for a Good Sa-
maritan discharge permit that the permitting
authority determines to be complete, the permitting authority shall—

“(i) issue to the eligible applicant a Good Samaritan discharge permit; or

“(ii) deny the application of the eligible applicant for a Good Samaritan discharge permit.

“(H) MODIFICATION OF PERMIT.—

“(i) APPROVAL AND DISAPPROVAL PROCESS.—In accordance with clause (ii), after the date of receipt by a permitting authority of a written request by a permittee to modify the Good Samaritan discharge permit of the permittee, the permitting authority shall approve or disapprove the request for modification.

“(ii) PERMIT MODIFICATION.—A permit modification that is approved by a permitting authority under this subparagraph shall be—

“(I) by agreement between the permittee and the permitting authority and, if the Administrator is the permitting authority, the affected State or Indian tribe;
“(II) subject to—

“(aa) a period of public notice and comment; and

“(bb) a public hearing;

“(III) in compliance with each standard described in subparagraph (F)(i)(III); and

“(IV) immediately reflected in, and applicable to, the Good Samaritan discharge permit.

“(4) CONTENTS OF PERMITS.—

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

“(i) contain—

“(I) a remediation plan approved by the permitting authority; and

“(II) any additional requirement that the permitting authority establishes by regulation under paragraph (10); and

“(ii) provide for compliance with, and implementation of, the remediation plan and any additional requirement described in clause (i)(II).
“(B) Scope.—A Good Samaritan discharge permit shall authorize only those activities that are required for the remediation of historic mine residue at an inactive or abandoned mine site, as determined by the permitting authority.

“(C) Review.—A Good Samaritan discharge permit shall contain a schedule for review, to be conducted by the permitting authority, to determine compliance by the permittee with each condition and limitation of the permit.

“(5) Effect of Permit Compliance.—

“(A) Compliance with Act.—

“(i) In General.—A Good Samaritan discharge permit issued under this subsection shall authorize the permittee, and any cooperating persons, to carry out each activity described in the Good Samaritan discharge permit.

“(ii) Compliance with Permit.—Compliance by the permittee, and any cooperating persons, with respect to the Good Samaritan discharge permit shall constitute compliance with this Act.
“(B) Scope of Liability.—Except as provided in paragraph (6), the issuance of a Good Samaritan discharge permit to a permittee relieves the permittee, and any cooperating person, of each obligation and liability under this Act.

“(6) Failure to Comply.—If a permittee, or any cooperating person fails to comply with any condition or limitation of the permit, the permittee, or cooperating person, shall be subject to liability only under section 309.

“(7) Termination of Permit.—

“(A) In General.—A permitting authority shall terminate a Good Samaritan discharge permit if—

“(i) the permittee successfully completes the implementation of the remediation plan; or

“(ii)(I) any discharge covered by the Good Samaritan discharge permit becomes subject to a permit issued for other development that is not part of the implementation of the remediation plan;

“(II) the permittee seeking termination of coverage, and any cooperating
32 person with respect to the remediation plan of the permittee, is not a participant in the development; and

“(III) the permitting authority, upon request of the permittee, agrees that the permit should be terminated.

“(B) UNFORSEEN CIRCUMSTANCES.—

“(i) IN GENERAL.—Except as provided in clause (ii), the permitting authority, in cooperation with the permittee, shall seek to modify a Good Samaritan discharge permit to take into account any event or condition encountered by the permittee if the event or condition encountered by the permittee—

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

“(II) was not—

“(aa) contemplated by the permittee; or
“(bb) taken into account in
the remediation plan of the per-
mittee; and
“(III) is beyond the control of
the permittee, as determined by the
permitting authority.
“(ii) EXCEPTION.—If a permittee de-
scribed in clause (i) does not agree to a
modification of the Good Samaritan dis-
charge permit of the permittee, or the per-
mitting authority determines that remedi-
ation activities conducted by the permittee
pursuant to the permit have resulted or
will result in surface water quality condi-
tions that, taken as a whole, are or will be
worse than the baseline water conditions
described in paragraph (3)(B)(ii)(I), the
permitting authority shall terminate the
permit.
“(C) NO ENFORCEMENT LIABILITY.—
“(i) DISCHARGES.—Subject to clause
(ii), and except as provided in clause (iii),
the permittee of a permit, or a cooperating
person with respect to the remediation
plan of the permittee, shall not be subject
to enforcement under any provision of this Act for liability for any past, present, or future discharges at or from the abandoned or inactive mining site that is the subject of the permit.

“(ii) Other parties.—Clause (i) does not limit the liability of any person that is not described in clause (i).

“(iii) Violation of permit prior to termination.—The discharge of liability for a permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, under clause (i) shall not apply with respect to any violation of the permit that occurs before the date on which the permit is terminated.

“(8) Limitations.—

“(A) Emergency powers.—Nothing in this subsection limits the authority of the Administrator to exercise any emergency power under section 504 with respect to persons other than a permittee and any cooperating persons.

“(B) Prior violations.—

“(i) Actions and relief.—Except as provided in clause (ii), with respect to
a violation of this subsection or section 301(a) committed by any person prior to the issuance of a Good Samaritan discharge permit under this subsection, the issuance of the Good Samaritan discharge permit does not preclude any enforcement action under section 309.

“(ii) EXCEPTIONS.—

“(I) SCOPE OF PERMIT.—If a Good Samaritan discharge permit covers remediation activities carried out by the permittee on a date before the issuance of the Good Samaritan discharge permit, clause (i) shall not apply to any action that is based on any condition that results from the remediation activities.

“(II) OTHER PARTIES.—A permittee shall not be subject to any action under sections 309 or 505 for any violation committed by any other party.

“(C) OBLIGATIONS OF STATES AND INDIAN TRIBES.—Except as otherwise provided in this section, nothing in this subsection limits any
obligation of a State or Indian tribe described in section 303.

“(D) Other development.—

“(i) In general.—Any development of an inactive or abandoned mine site (including any activity relating to mineral exploration, processing, beneficiation, or mining), including development by a permittee or any cooperating person, not authorized in a permit issued by the permitting authority under this subsection shall be subject to this Act.

“(ii) Commingling of discharges.—The commingling of any other discharge or water with any discharge or water subject to a Good Samaritan discharge permit issued under this subsection shall not limit or reduce the liability of any person associated with the water or discharge that is not subject to the Good Samaritan discharge permit.

“(E) Recoverable value.—A Good Samaritan to whom a permit is issued may sell or use materials recovered during the implementa-
tion of the plan only if the proceeds of any such
sale are used to defray the costs of—

“(i) remediation of the site addressed
in the permit; or

“(ii) voluntary remediation of any
other inactive or abandoned mine site cov-
ered by a permit issued under this section.

“(F) STATE CERTIFICATION.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii), to the extent that this
subsection relates to water quality stand-
ards, certification under section 401 shall
not apply to any Good Samaritan dis-
charge permit issued under this subsection.

“(ii) EXCEPTION.—In any case in
which certification under section 401
would otherwise be required, no Good Sa-
maritan discharge permit shall be issued
by a permitting authority under this sub-
section without the concurrence of—

“(I) the State in which the site of
the discharge is located; or

“(II) the Indian tribe that owns
or has jurisdiction over the site on
which a remediation project is proposed.

“(G) STATE AND TRIBAL RECLAMATION PROGRAMS.—No State, Indian tribe, or other person shall be required to obtain a Good Samaritan discharge permit pursuant to this subsection for any discharge, including any discharge associated with the remediation of an inactive or abandoned mine site with respect to the conduct of reclamation work under a State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

“(9) LIABILITY OF OTHER PARTIES.—Nothing in this subsection (including any result caused by any action taken by a permittee or a cooperating person) limits the liability of any person other than a permittee or a cooperating person under this Act or any other law.

“(10) REGULATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this subsection, after providing for public notice and an opportunity to com-
ment and a public hearing, the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, tribal, and local officials, shall promulgate regulations to establish—

“(i) generally applicable requirements for remediation plans described in paragraph (3)(B); and

“(ii) any other requirement that the Administrator determines to be necessary.

“(B) Specific requirements before promulgation of regulations.—Before the date on which the Administrator promulgates regulations under subparagraph (A), a permitting authority may establish, on a case-by-case basis, specific requirements that the permitting authority determines would facilitate the implementation of this subsection with respect to a Good Samaritan discharge permit issued to a permittee.

“(11) Funding.—

“(A) Eligibility for section 319 grants.—A permittee shall be eligible to apply for a grant under section 319(h).
“(B) GRANTS.—Subject to the availability of appropriated funds, the Administrator may award to any permittee a grant to assist the permittee in implementing a remediation plan with respect to a Good Samaritan discharge permit of the permittee.

“(12) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 1 year before the date of termination of the authority of the permitting authority under paragraph (13), the Administrator shall submit to Congress a report describing the activities authorized by this subsection.

“(B) CONTENTS.—The report required under subparagraph (A) shall contain, at a minimum—

“(i) a description of—

“(I) each Good Samaritan discharge permit issued under this subsection;

“(II) each permittee;

“(III) each inactive or abandoned mine site addressed by a Good Samaritan discharge permit issued under this subsection (including each body
of water and the baseline water quality of each body of water affected by each inactive or abandoned mine site;

“(IV) the status of the implementation of each remediation plan associated with each Good Samaritan discharge permit issued under this subsection (including specific progress that each remediation activity conducted by a permittee pursuant to each Good Samaritan discharge permit has made toward achieving the goals and objectives of the remediation plan); and

“(V) each enforcement action taken by the Administrator or applicable State or Indian tribe concerning a Good Samaritan discharge permit issued under this subsection (including the disposition of the action);

“(ii) a summary of each remediation plan associated with a Good Samaritan discharge permit issued under this subsection, including—
“(I) the goals and objectives of the remediation plan;

“(II) the budget of the activities conducted pursuant to the remediation plan; and

“(III) the practices to be employed by each permittee in accordance with the remediation plan of the permittee to reduce, control, mitigate, or eliminate adverse impacts to the quality of applicable bodies of water; and

“(iii) any recommendations that may be proposed by the Administrator to modify any law (including this subsection and any regulation promulgated under paragraph (10)) to facilitate the improvement of water quality through the remediation of inactive or abandoned mine sites.

“(13) TERMINATION OF AUTHORITY.—The authority granted to the permitting authority under this subsection to issue Good Samaritan discharge permits terminates on the date that is 10 years after the date of enactment of this subsection.
“(14) SEVERABILITY.—If any provision of this subsection, or the application of any provision of this subsection to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this subsection, shall not be affected thereby.”.