



# **GOOD SAMARITAN LEGISLATION: How Discussions Between Stakeholders & Legislators Have Evolved**

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## DECADES IN THE MAKING

**18** Bills Introduced (Senate & House)

**1999** **First Senate Bill (106<sup>th</sup> Congress)**  
S. 1787 – Good Samaritan Abandoned or Inactive Mine Waste Remediation Act

**2006** **Last Bipartisan Bill (109<sup>th</sup> Congress)**  
S. 1848 – Cleanup of Inactive and Abandoned Mines Act

**2015** **Gold King Mine Breach & Waste Water Spill**  
Triggers Congressional Oversight & Hearings  
S. 3727 / H.R. 7226 – Good Samaritan Remediation of Orphan Hardrock Mines Act of 2018

# FINDING COMMON GROUND ON KEY ISSUES

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## **Number & Scope of Projects**

**How many should be allowed in this first pilot project permitting program? What kind of projects are appropriate (e.g., removing waste rock, passive water treatment, active water treatment)?**

## **Environmental Goal**

**Meeting strict water quality standards is a barrier to cleanups and beneficial improvements. What should be required for these pilot projects?**

## **Environmental Review & Public Comment Requirements**

**Should pilot projects be subject to the National Environmental Policy Act or equivalent review process?**

## **Liability Protections**

**Who receives liability protections? What are the scope of those protections?**

## **Reprocessing**

**Should reprocessing be allowed and, if so, under what conditions?**

## **Citizen Suits**

**Should a citizen suit provision be included? If so, should there be limitations?**



# PROGRESS IN 2022

## First Bipartisan Introduction Since 2009



### Heinrich, Risch Introduce Bipartisan Legislation To Remove Hurdles For Good Samaritans To Clean Up Abandoned Hardrock Mines

Thursday, February 3, 2022

WASHINGTON (Feb. 3, 2022) - U.S. Senators Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) introduced the bipartisan Good Samaritan Remediation of Abandoned Hardrock Mines Act, legislation to make it easier for "Good Samaritans" such as state agencies, local governments, nonprofits, and other groups, to clean up and improve water quality in and around abandoned hardrock mines.

"Abandoned mines across the West are leaking toxic metals that threaten our land, water, fish and wildlife—and the communities that depend on them," said Heinrich. "I'm proud to introduce this bipartisan legislation with Senator Risch to create a path for Good Samaritan groups to clean up these sites and create good-paying jobs in New Mexico and across the country."

"There's real motivation among the mining industry and conservation community to remedy the environmental challenges created by long-term abandoned mines," said Risch. "Good Samaritans are stepping up to take meaningful action has been heavily encouraged by the industry and conservation community."

## Senate Co-Sponsors of S. 3571:

- Lujan (D-N.M.)
- Daines (R-MT)
- Tester (D-Mont.)
- Crapo (R-Idaho)
- Bennet (D-Colo.)
- Barasso (R-Wyo.)
- Cortez Masto (D-Nev.)
- Lummis (R-Wyo.)
- Kelly (D-Ariz.)
- Cramer (R-N.D.)
- Sinema (D-Ariz.)
- Sullivan (R-Alaska)

# MAJOR COMPONENTS OF THE PILOT PROJECT BILL

## PURPOSE:

- Establishes a 7-year pilot program for 15 sites
- Federal, state, tribal, and private lands included
- Only allows projects posing low risk to the environment

## PERMITTING ENTITY:

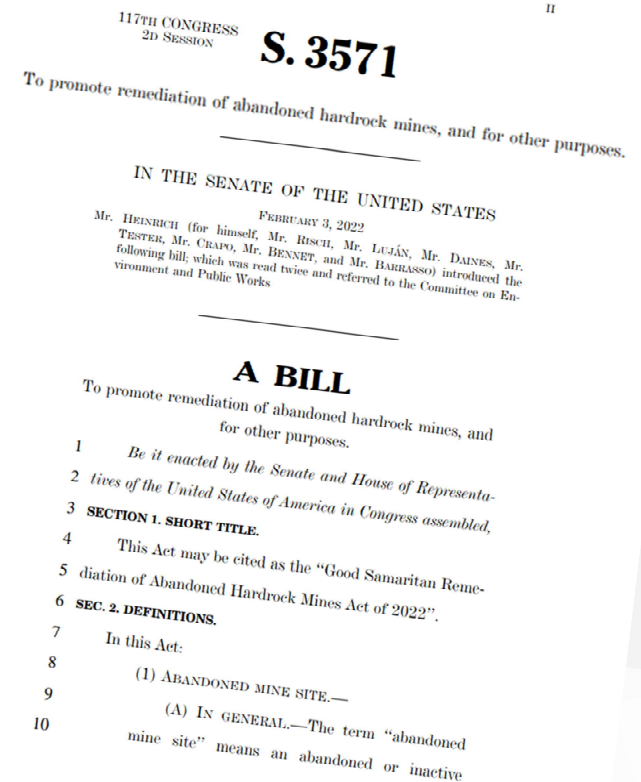
- EPA authority over non-federal lands
- Federal land management agency authority on U.S. lands
- Notice to state, local and tribal governments with opportunity for review and comment

## WHAT DOES THE PERMIT DO?

- Good Samaritans obtain a permit to complete the work
- Requires partial or complete remediation (e.g., measurable progress towards achieving water quality standards improving site-specific soil quality)
- Provides tailored liability exemptions (Clean Water Act & CERCLA) to Good Samaritans
- Allows reprocessing only on federal lands with excess profits going to an established mine remediation fund
- Subjects pilot projects to a NEPA environmental assessment

## WHAT DOES THE PERMIT NOT DO?

- Authorize new mining activities
- Give liability relief if permit violated and not corrected
- Let responsible parties off the hook



# SHOWING SUPPORT

## Good Samaritan Reform Legislation Supporters:

