Good Samaritan Abandoned Hardrock Mine Cleanup Program Webinar

Hosted by EPA's Office of Mountains, Deserts and Plains

Presenters:
David Hockey, OMDP Director
Jamey Watt, Lead for Good Samaritan Program Development

Moderator:
Sarah Alfano, EPA Contractor, Skeo Solutions

Years as a Bill, Now a Law!

- The bill passed unanimously in the U.S. Senate, and by voice vote with over two-thirds majority in the U.S. House of Representatives.

- Signed into law, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024, on December 17, 2024. (Public Law 118–155 118th Congress)

- A lot of support from a wide number of sponsors and co-sponsors in both the Senate and House, see next slide.

SENATE

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Sen. Crapo, Mike [R-ID]*
Sen. Daines, Steve [R-MT]*
Sen. Barrasso, John [R-WY]*
Sen. Lummis, Cynthia M. [R-WY]*
Sen. Thune, John [R-SD]*
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Sen. Schatz, Brian [D-HI]
Sen. Butler, Laphonza R. [D-CA]
Sen. Manchin, Joe, III [D-WV]
Sen. Shaheen, Jeanne [D-NH]

Sen. Sinema, Kyrsten [I-AZ]*

HOUSE

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Rep. Thompson, Glenn [R-PA-15]

Rep. Peltola, Mary Sattler [D-AK-At Large]*
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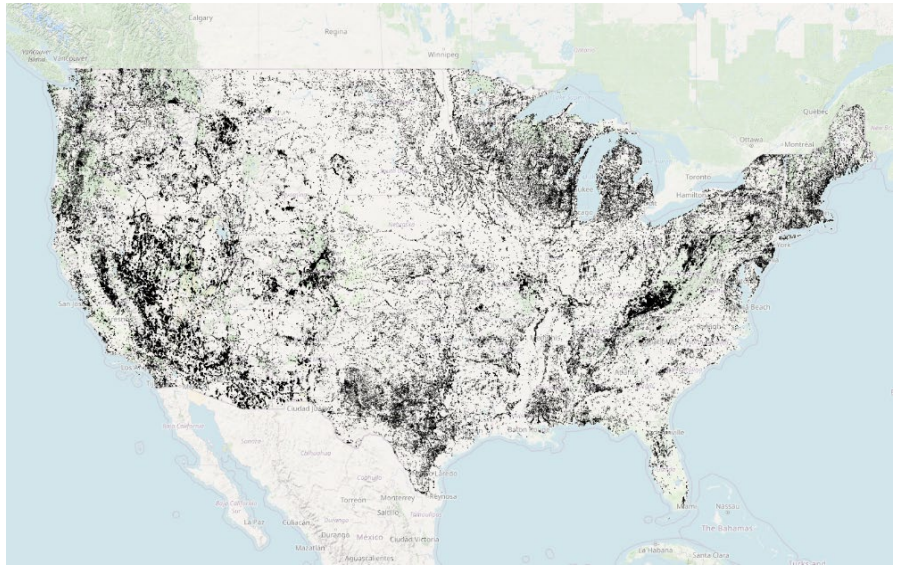
Rep. Stanton, Greg [D-AZ-4]

Tackling the Problem

- There are over 100,000 Abandoned Mine Land sites across the U.S.
- These sites pose safety hazards and threaten human health and the environment by posing ongoing risks to water quality and ecosystems.
- Mitigating physical hazards and cleaning up sites will be costly, estimated at $11 billion and $50 billion nationwide, respectively.*
- Liability concerns may arise in certain cleanup situations.



Prospect- and mine-related features across the U.S. (USGS)

*Nationwide estimate source: Interstate Mining Compact Commission (IMCC) and National Association of Abandoned Mine Land Programs (NAAMLP) *Hardrock Abandoned Mine Hazards: An Overview of Impacts and Solutions, November 2025*

Overview

- EPA's Good Samaritan Remediation of Abandoned Hardrock Mines Program seeks to support the cleanup of abandoned hardrock mine sites.
  - Encourages the efforts of certain non-liable parties (aka "Good Samaritans") who are willing to voluntarily clean up some of these sites.
- The Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024:
  - Allows 15 Good Samaritan permits and 15 Investigative Sampling permits.
  - A Good Samaritan permit provides a 'shield' from CERCLA (aka "Superfund") and Clean Water Act (CWA) liability.
  - Aims to leverage private party resources, both technical and financial, to clean up eligible sites to reduce environmental and public health risk.

Current Goals

Successful implementation of **15 Good Samaritan remediation projects.**

Demonstrate success in different ways:

- Different ecosystems and watersheds;
- Varied states and land jurisdictions;
- Different cleanup processes;
- Many types of media addressed (e.g., surface water, soil, sediment, mine waste); and
- Establish a record of measurable improvements (e.g., water quality, habitat, risk reduction).

In this pilot program, an iterative approach will incorporate lessons learned throughout a phased process.

The Road Ahead

EPA's Phased Approach for 15 Good Samaritan Pilots:

Construction Season 2026

- 1-3 sites
- Probably private lands, as available

Construction Season 2027

- 8-10 sites
- Expanding to public lands with Federal Land Management Agencies and mixed-ownership

Construction Season 2028

- Remaining sites to reach 15 total
- The more complex of the low-risk projects

Key Components of the Good Sam Law

"[T]he proposed project poses a **low risk** to the environment, as determined by the Administrator."

§4(b)(1)(d)(emphasis added)

Proposed activities must make "**measurable progress**" toward achieving-

I. applicable water quality standards;
II. improved soil quality;
III. improved sediment quality;
IV. other improved environmental or safety conditions; **or**
V. reductions in threats to soil, sediment, or water quality or other environmental or safety conditions;"

§4(m)(1)(A)(v) (emphasis added)

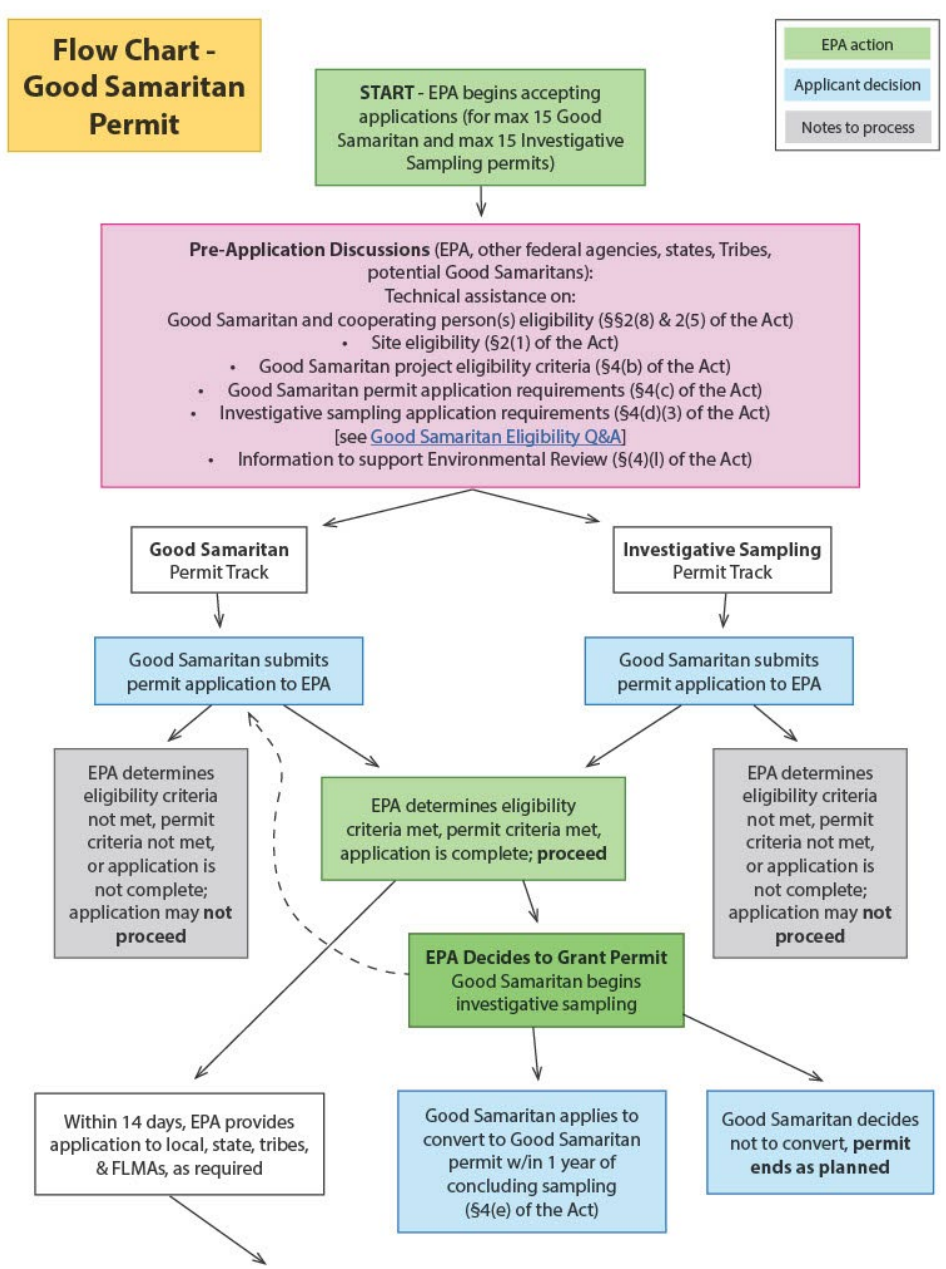
Good Samaritan applicants must provide **financial assurance** for every project.

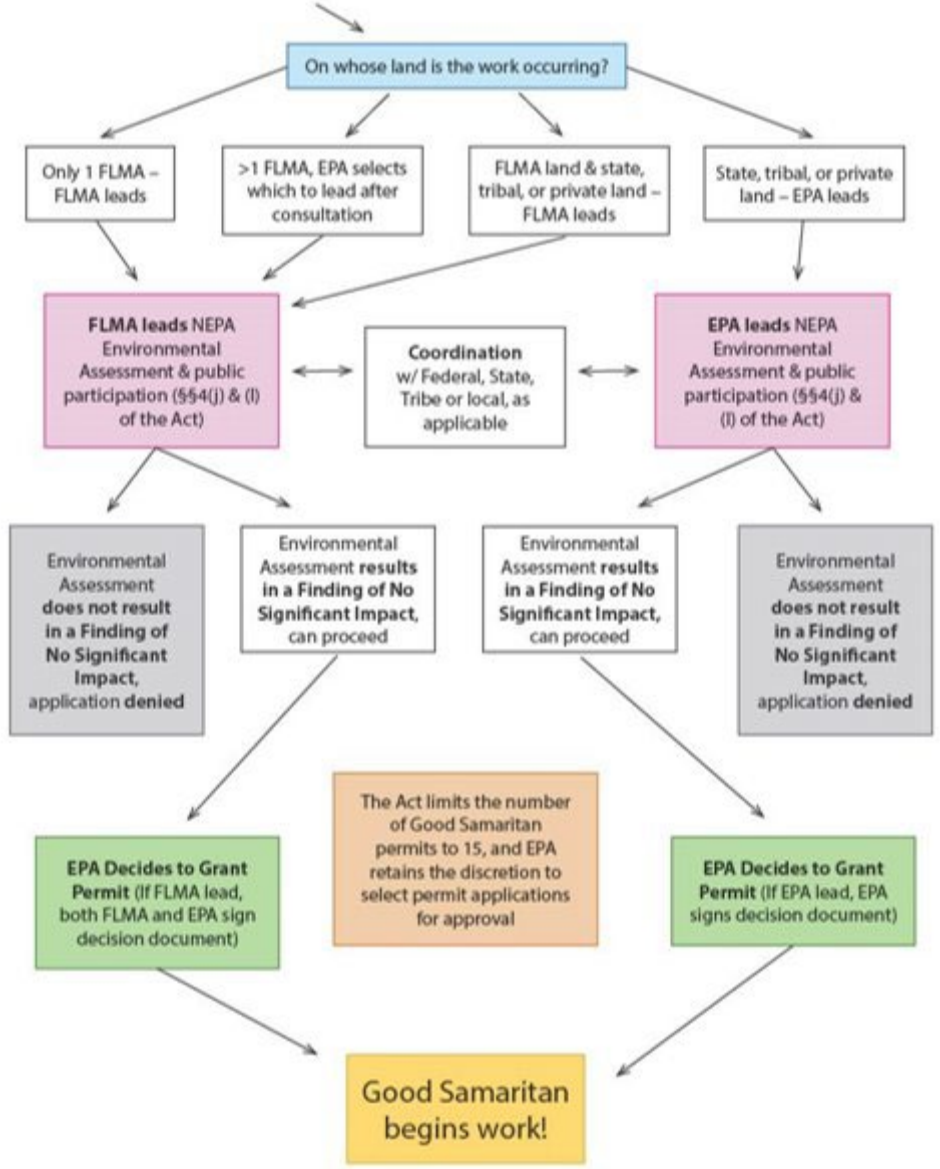
A project without financial assurance that is left incomplete could cause worse environmental impacts than the site's original condition.

EPA will work closely with federal land management agencies (Department of the Interior and the Department of Agriculture) on general guidance development.

Important Pieces for an Applicant to Understand

View Process Flow Chart Here:

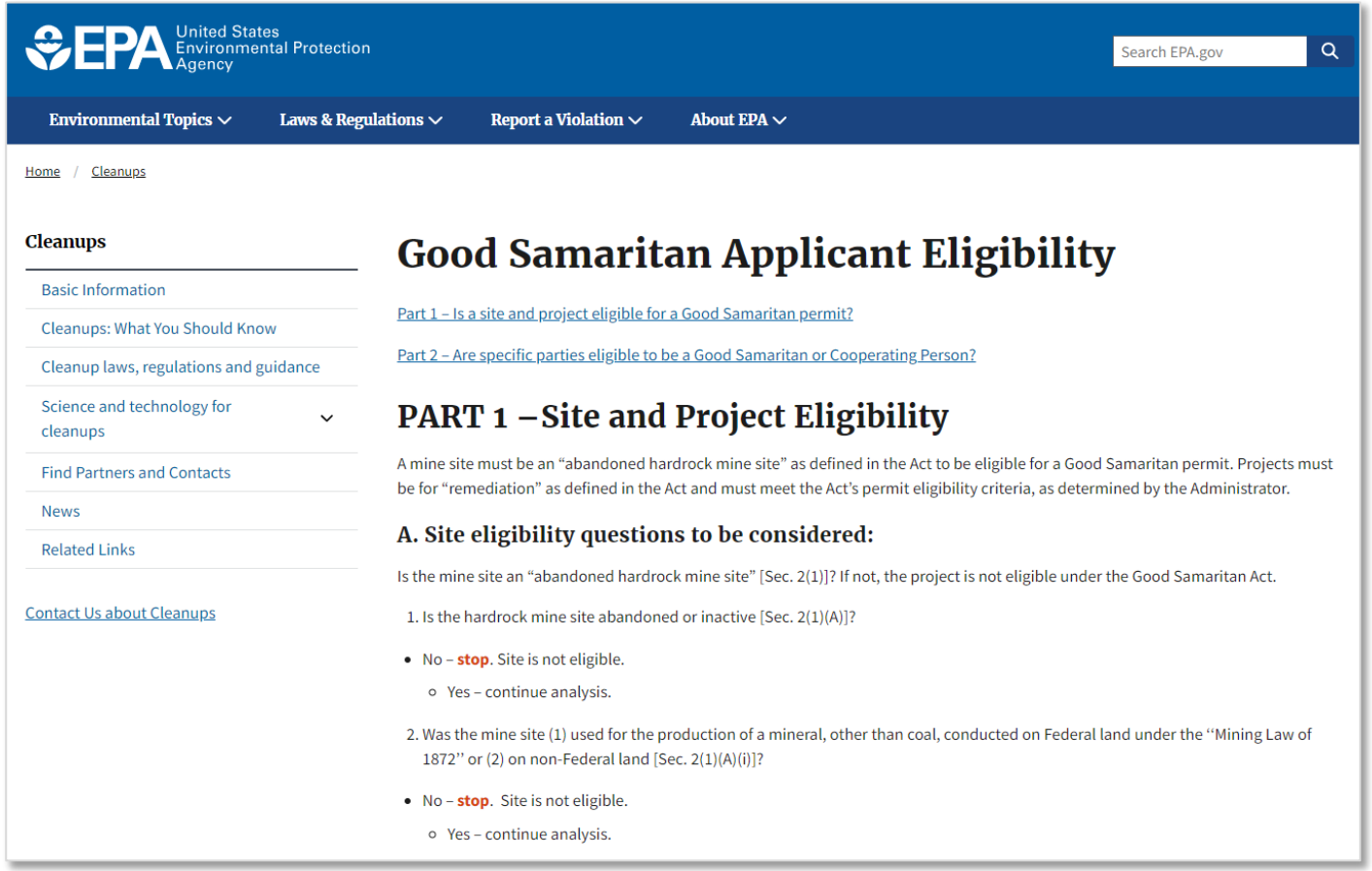




Disclaimer: This is being provided as information only and does not impose legally binding requirements on EPA, States, or the public. This cannot be relied upon to create any rights enforceable by any party in litigation with the United States. Any decisions regarding a particular permit will be made based upon the statute and the discretion granted by the statute, including whether or not to grant or deny a permit.

Project Eligibility Considerations

https://www.epa.gov/cleanups/good-samaritan-applicant-eligibility



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Good Samaritan Applicant Eligibility

Part 1 – Is a site and project eligible for a Good Samaritan permit?

Part 2 – Are specific parties eligible to be a Good Samaritan or Cooperating Person?

PART 1 – Site and Project Eligibility

A mine site must be an "abandoned hardrock mine site" as defined in the Act to be eligible for a Good Samaritan permit. Projects must be for "remediation" as defined in the Act and must meet the Act's permit eligibility criteria, as determined by the Administrator.

A. Site eligibility questions to be considered:

Is the mine site an "abandoned hardrock mine site" [Sec. 2(1)]? If not, the project is not eligible under the Good Samaritan Act.

1. Is the hardrock mine site abandoned or inactive [Sec. 2(1)(A)]?

- No – **stop**. Site is not eligible.
  - Yes – continue analysis.

2. Was the mine site (1) used for the production of a mineral, other than coal, conducted on Federal land under the "Mining Law of 1872" or (2) on non-Federal land [Sec. 2(1)(A)(i)]?

- No – **stop**. Site is not eligible.
  - Yes – continue analysis.

The site cannot be:

- ❑ In a temporary shutdown or cessation;
- ❑ Included on the CERCLA National Priorities List;
- ❑ The subject of a planned or ongoing response action under CERCLA or similar federal and state reclamation or cleanup program;
- ❑ A site that has a responsible owner or operator; or
- ❑ A site that was actively mined or processed minerals after December 11, 1980. §2(1)(C).

Good Samaritan Applicant Eligibility

PART 2 – Good Samaritan & Cooperating Person Eligibility

An entity must meet the Act's definition of a "Good Samaritan" to be eligible to apply for and receive a Good Samaritan permit. Any cooperating entities must meet the Act's definition of a "Cooperating Person" to qualify as Cooperating Person(s) named in a Good Samaritan permit.

A. Good Samaritan eligibility questions to be considered:

Is the person/entity eligible to be a "Good Samaritan" [Sec. 2(8)]?

1. Is the person/entity a "person" under the Good Samaritan Act, which means any entity described in section 502(5) of the Federal Water Pollution Act (33 U.S.C. 1362(5)); or section 101(21) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(21)) [Sec. 2(13)]?

   - No – **stop**. Person/entity is not a Good Samaritan.
   - Yes – continue analysis.

2. Is the person/entity a past or current owner or operator of the abandoned hardrock mine site at which the historic mine residue is located or a portion of that abandoned hardrock mine site [Sec. 2(8)(A)]?

- Yes – **stop**. Person is not a Good Samaritan.
  - No – continue analysis.

3. Did the person/entity have a role in the creation of the historic mine residue [Sec. 2(8)(B)]?

- Yes – **stop**. Person/entity is not a Good Samaritan.

A + B ➡ C (Enforceable Permit)

NEPA Environmental Assessment

Identified in Section 4.l of the law "Environmental Review and Public Comment"

Must result in a Finding of No Significant Impact

APPLICATION

Identified in Section 4.c of the law "Application for Permits"

15 pieces for a complete application

PERMIT

Provides conditional protection from liability under the CWA and CERCLA

Project-specific technical documents will be referenced from the application

- Coordination during the NEPA and permitting process.
- Creates efficiencies for applicants and reviewers.
- One decision document envisioned by law.

National Environmental Policy Act

- The Good Sam Act requires NEPA review - an **Environmental Assessment** and **Finding Of No Significant Impact** is required.
- Good Sam Act NEPA lead agency depends on project location:
  - EPA is the NEPA lead on non-Federal lands; and
  - Federal land management agency is the NEPA lead agency on Federal public lands.
- Applicants can develop EAs in coordination with the lead agency and EPA and are subject to lead agency approval.
- Public engagement as required by the NEPA statute.
- Other Federal statutes (e.g., Endangered Species Act, National Historic Preservation Act, etc.), if applicable, would be integrated with the NEPA and permitting process.

Basic Components to the Permit Application

General Information and Eligibility Criteria

- General Project Information
- Analysis of Eligibility Criteria for Good Samaritan Qualification

Good Sam Project Description – Remediation Activities

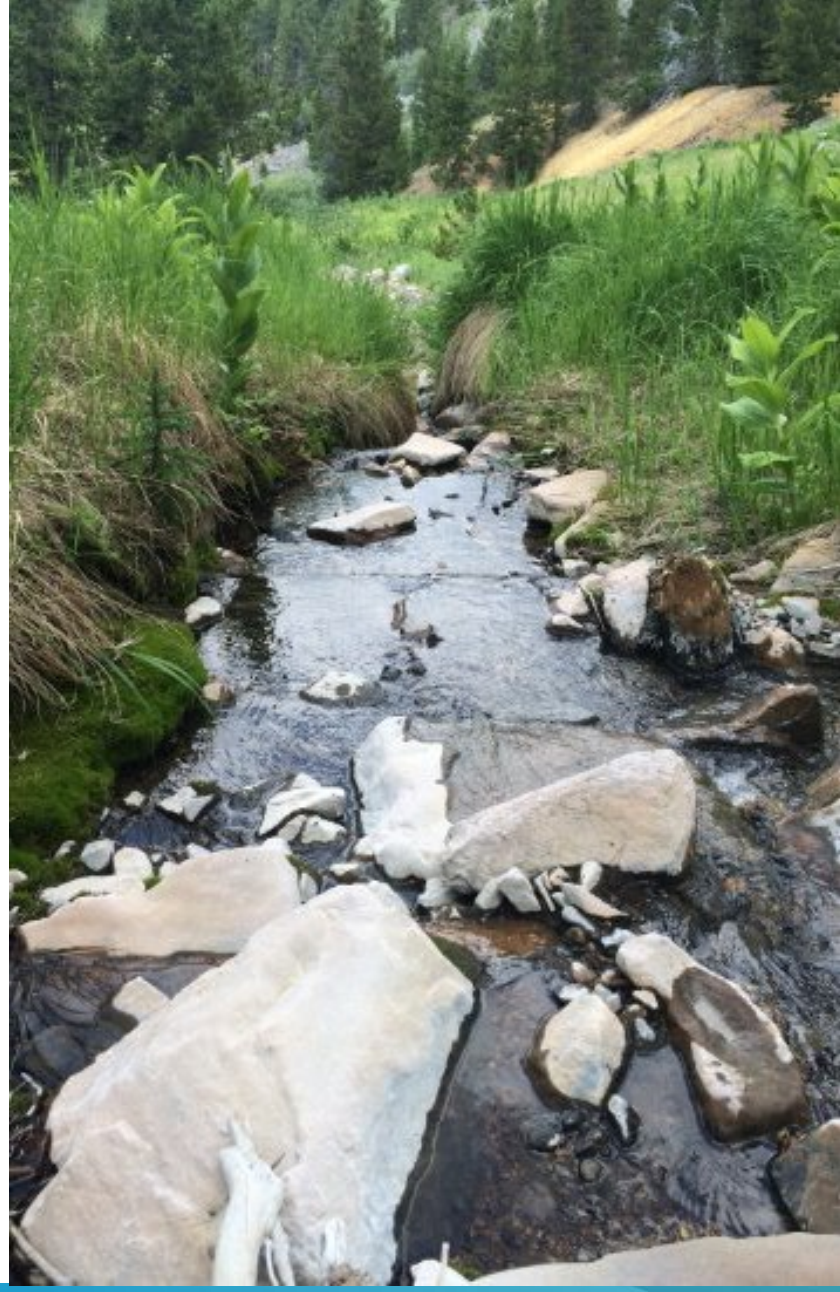
- Description of Baseline Conditions of the Remediation Area (*description of the problem*)
- Remediation Plan (*description of how the problem is to be addressed*)

Supporting Information

- Monitoring Plan (*description of the measurements to be taken that determine if the cleanup is working*)
- Remediation Cost Estimate and Financial Assurance
- Health and Safety Plan, Contingency Plan

General Information and Eligibility Criteria

- Basic information identifying the Good Samaritan project and permit applicant.
- Asks questions that capture due diligence information of utmost importance to the project - such as surface and minerals owners associated with the project area.
- Requests a location map that provides sufficient information for a reviewer to be able to accurately locate the project area.



Key Eligibility Conditions for Projects

- It is important to understand Good Sam eligibility criteria, both for the Good Sam(s) (people doing the work) and the proposed project (the site itself).
- Necessary elements to proceed with a Good Samaritan project include:
  - Applicant and cooperating person may not be liable for the contamination;
  - A project property that does not have a responsible owner or operator;
  - A project that addresses mine materials (at a site that was not actively mined and did not actively process minerals after 1980) suitable for remediation;
  - A legal right to access the property;
  - A project that will create a benefit to the environment;
  - The applicant has the capability (technical expertise and financial assurance) to complete the work; and
  - Mining/exploration is not authorized.

Good Samaritan Project Description – Planned Remediation Activities

Identify and Establish Baseline Conditions of the Remediation Area

- Applicant characterizes current conditions of the project area by providing component descriptions.
- Important to characterize components of the natural setting and build an understanding of the impacts the mine residue has created (e.g., impaired water quality or affected vegetation) using existing data.

Remediation Plan

- Applicant describes the remediation efforts to take place as part of the Good Samaritan project.
- Applicant also describes how the project area will look and be taken care of after remediation is complete.
- Show “Measurable Progress.”
- Maps are important to document the remediation components and to document the anticipated finished results after work is complete.

Supporting Information

Monitoring Plan

- Applicant describes the intended monitoring activities post-remediation that will demonstrate the success of the project.
- Monitoring can include the sampling and/or study of the following, e.g.:
  - Historic mine residue.
  - Surface water, sediment and/or soil sampling.
  - Revegetation success.
- A sampling/monitoring map(s) shows the locations and types of monitoring to be completed.

Remediation Cost Estimate and Financial Assurance

- Applicant provides a project budget and description of financial resources that demonstrates that the permitted work, including any operation and maintenance, will be completed.

Health and Safety Plan

- Applicant provides a project-specific health and safety plan that applies to all on-site workers.

Contingency Plan

- Applicant provides a contingency plan that accounts for adverse events, including adverse weather and sudden releases of historic mine residue, and includes response and notification plans.

Application Review Process and Permit Approval

- EPA is ready to consider Good Sam permit application packages.
- EPA strongly encourages pre-application discussions at any time with potential Good Samaritans.
- As part of the permit review and approval, EPA will:
  - Work through the details of initial permit language;
  - Coordinate with federal, state, local and Tribal governments and non-governmental organizations;
  - Ensure public involvement; and
  - Approve, up to 15, permits that meet the law.

Acid mine drainage photo.

State Partnerships – A Key to Unlocking Good Sam's Success

- A strong partnership with our state colleagues is key to our success.
  - State/Tribes with jurisdiction must be given an opportunity to review and, if necessary, comment on the grant of the Good Sam permit
    - Reminder, certain Clean Water Act requirements related to States' roles are not exempt (e.g., CWA 401).
  - EPA plans to draw on States' deep knowledge of Abandoned Mine Land and water quality issues/solutions.
  - In the process of pre-application discussions, States' views are essential to identifying successful projects.
  - State input helps us understand:
    - Local community's goals for a cleanup;
    - Local resources that can be included to support the Good Sam; and
    - State and local laws, regulations, and guidance to implement our permits.

Considering Good Samaritan Pilot Scope

Why starting small establishes a sustainable base for Good Samaritan pilots.

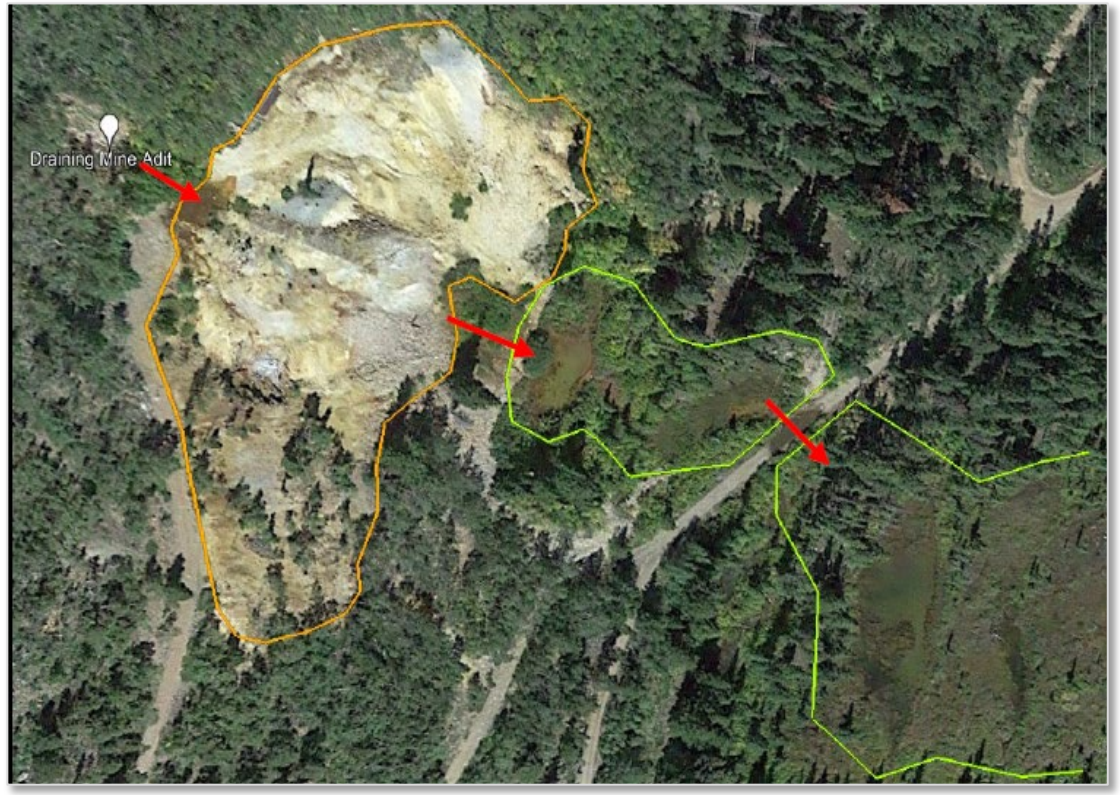
- Good Samaritan permits address certain types of remediation activities.
- Given the layers of concurrent federal compliance requirements, a Good Samaritan pilot should have a focused cleanup area, a targeted media, and achievable measures of success.
- The Act requires that the permit applicant be able to financially address all necessary components of the investigative sampling, remediation and monitoring of the proposed project.

Hypothetical Pilot Project - Overview

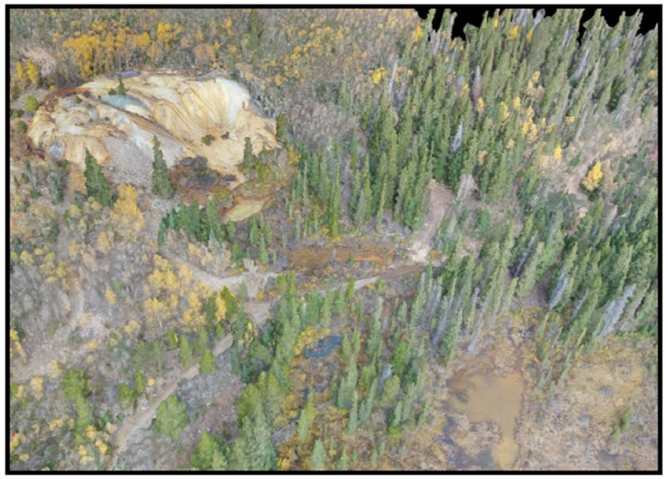
- **Example Problem**: Acid mine drainage (AMD) from an abandoned mine adit drains through a waste rock/tailings pile, liberating metals into the area posing a threat to human health and the local ecosystem.

- **Measurable Result:** The AMD is routed around the waste rock/tailings, an earthen cap is placed over the waste rock/tailings and revegetated. This limits AMD physical contact with metals in the waste rock/tailings and improves water quality downstream, potentially restoring any local wetlands and helping to re-establishing native riparian vegetation.

Hypothetical Example
General Project Description and Baseline Conditions



There is a collapsed mine portal/adit that drains water perennially. The adit effluent flows across, infiltrates, and percolates through a large mine waste pile and discharges into the valley below.



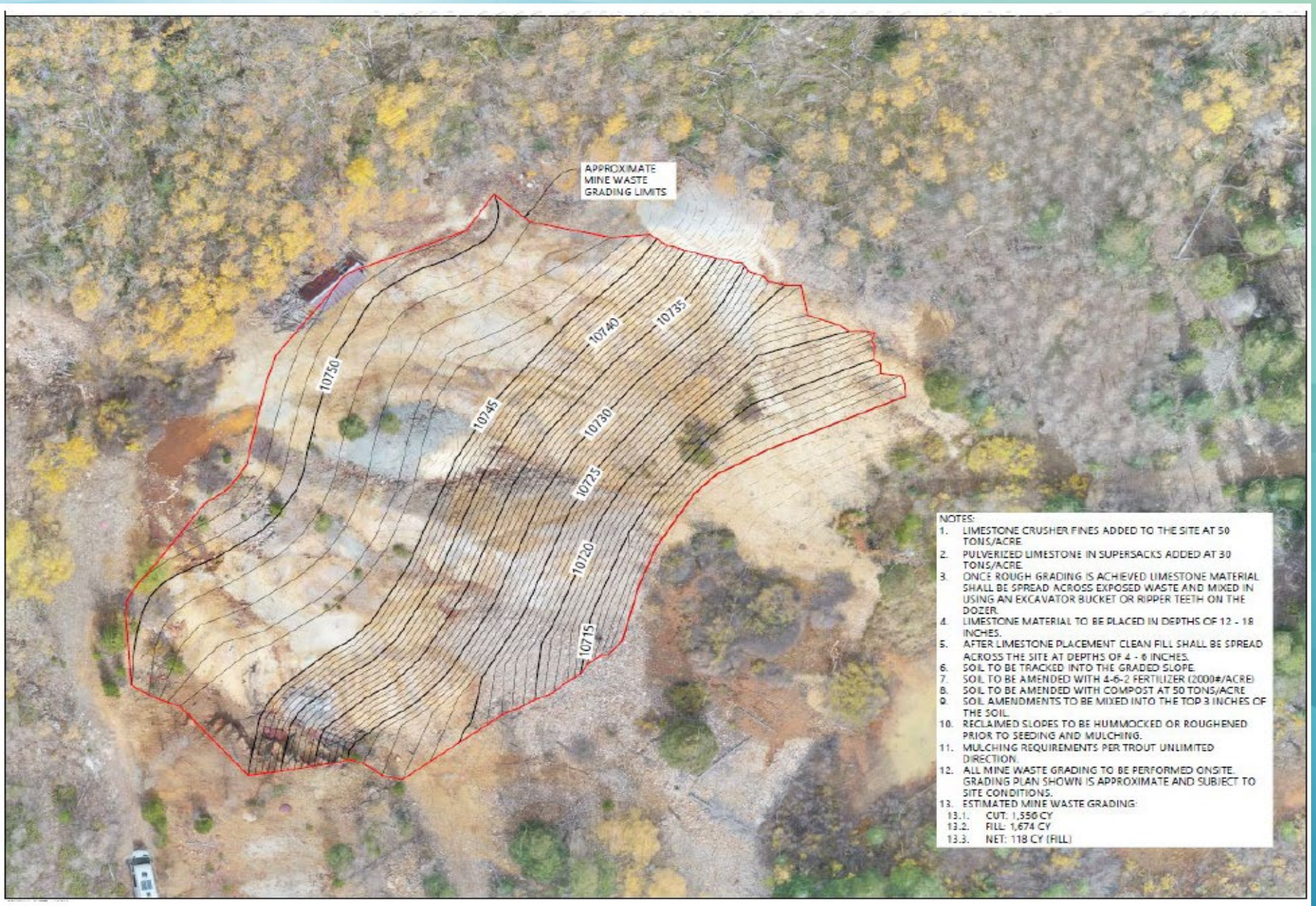
Hypothetical Example

Developing a Remediation Plan and Showing Measurable Progress

- The water quality data demonstrates that the interaction of surface water (from the adit portal and precipitation events) with the waste pile increases metals contamination downstream in the receiving wetlands and creek.
- The engineering design specifications aim to reduce the mobilization of metals and mine-impacted material from the site by:
  - *Rerouting* the adit channel.
  - (The Act **prohibits** projects that plug, open, or otherwise "alter" a portal/adit.)
  - Constructing a run-on channel.
  - Recontouring the mine waste pile.

Map of Proposed Remediation Activities

Final Design Showing Post-Remediation Site Conditions



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Webpage: https://www.epa.gov/cleanups/good-samaritan-remediation-abandoned-hardrock-mines-program