



## Good Samaritan Law for Remediation of Abandoned Hardrock Mines Heads to President Biden for Signature

On December 10, 2024, by voice vote, the U.S. House of Representatives passed the [Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024](#). The bill has been published in the [Congressional Record](#).

The passage by the House follows the Senate's unanimous consent approval on July 31, 2024. The bill will now be sent to President Biden to be signed into law.

### Fifteen Site Pilot Program

As outlined in an [earlier blog](#), the legislation promotes the remediation of abandoned hardrock mine sites by Good Samaritans, *i.e.* a person that is: (1) not a past or current owner or operator of the abandoned site; (2) had no role in the creation of the historic mine residue; and (3) is not potentially liable under any law for the remediation, treatment, or control of the historic mine residue.

The bill requires the U.S. Environmental Protection Agency (EPA) to establish a Good Samaritan pilot program to permit up to 15 Good Samaritan abandoned mine cleanups. Under the program, the EPA may issue certain permits to allow Good Samaritans to remediate historic mine residue at abandoned hardrock mine sites without being subject to enforcement or liability under specified environmental laws for past, present, or future releases, threats of releases, or discharges of hazardous substances or other contaminants at or from the abandoned mine site.

In addition, the bill establishes a Good Samaritan Mine Remediation Fund for land management agencies that authorize Good Samaritans to conduct remediation projects on federal land.

The legislation requires that eligible remediation projects must pose a low risk to the environment and produce improvements in environmental conditions, while also stipulating requirements for public involvement, environmental review, public hearings, and state and tribal consultation.

If a permit is approved, qualified Good Samaritans would be provided with conditional liability relief, which will allow them to move forward with projects addressing harmful abandoned mine waste. Additionally, provisions specify that mining activities are strictly prohibited.

Importantly, if a permit violation causes an uncorrected worsening of environmental conditions, all liability protections would be revoked and the permittee would be subject to all applicable environmental laws, including citizen lawsuits under the Clean Water Act.

### **Thousands of Mine Sites Will Still Go Unremediated**

The federal bill takes a major step forward in providing a “liability shield” and thus an incentive for federal, state, and local governments, tribes, nonprofits, and volunteers to address abandoned mine pollution, but the legislation only provides a “pilot program” for 15 mine sites – 15 out of an estimated 500,000 abandoned mines in the U.S.

According to the Colorado Division of Reclamation, Mining, and Safety (DRMS), in Colorado alone, historic mining activities left an estimated 23,000 hazardous mining features unsafeguarded, and approximately 1,300 miles of streams impacted by past mining practices.

As one of the leading conservation organizations involved in the decades-long process to enact this type of federal legislation, Trout Unlimited played a pivotal role in advocating for the legislation. Trout Unlimited provides an [excellent resource](#) on the topic.

*This blog was drafted by [John Watson](#), an attorney in the Spencer Fane Denver, Colorado, office. For more information, visit [www.spencerfane.com](http://www.spencerfane.com).*

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