Good Samaritan Remediation of Abandoned Hardrock Mines Pilot Program
Frequently Asked Questions and Answers

Sort	Question	Answer
1	**Background and Purpose**	This Good SAM FAQ was prepared by Trout Unlimited's National Leadership Council Responsible Mining & Energy Workgroup and is intended to help inform TU Councils and Chapters with interests in the Good SAM Pilot Program. This FAQ seeks to balance the content to be informative for those with broad, general questions and for more experienced and interested parties seeking more detailed information. This document will be updated as more information becomes available and the process for application to the EPA is finalized and the pilot program gets underway. This FAQ is not intended to serve as a legal document, and the answers provided are not binding; the EPA has authority for administration of the pilot program. We welcome your additional questions and will make every effort to provide the best information available. Contact information is provided on page-14.
1.1	**Q: What is the purpose of the Good Samaritan Mining Law?**	**A:** The primary purpose of the Good Samaritan Remediation of Abandoned Hardrock Mines Act is to encourage the cleanup of abandoned hardrock mine sites by individuals or entities that are not responsible for the original pollution. It aims to reduce the legal and financial barriers that previously discouraged these "Good Samaritans" from undertaking remediation efforts. The Act establishes a pilot program for permitting such cleanups, offering liability protections under specific conditions.
1.2	**Q: What is the purpose of the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024?**	**A:** The Act establishes a pilot program to encourage "Good Samaritans"—entities like nonprofits, state agencies, and local governments—to clean up abandoned hardrock mine sites without fear of incurring legal liability for pre-existing pollution. It aims to improve environmental conditions, particularly water quality, at these sites, which have been leaching toxic metals and acid into ecosystems for decades.
1.3	**Q: Why has Trout Unlimited supported this legislation?**	**A:** With over 533,000 abandoned mines in the Western U.S. and over 40% of our Western headwater streams being impacted by abandoned mine land (AML) sites, Trout Unlimited has long championed the need for Good Samaritan protections to accelerate cleanup efforts of abandoned hardrock mines. TU has decades of on-the-ground restoration experience and campaigned to raise awareness about the urgent need for action and played a pivotal role in advocating for this legislation.
1.4	**Q: What are the goals of the Good SAM pilot program?**	**A:** The short-term goal is to implement 15 "low risk" pilot projects to prove up the concept that well-qualified, voluntary AML cleanups by Good Sams can be performed successfully and safely. The long-term goal is to prove-up the concept to then seek permanent authorization of the program outside of a pilot approach.
1.5	**Q: Why was Good SAM legislation needed?**	**A:** Abandoned hardrock mines cause environmental hazards like acid mine drainage, chemical releases, and surface and groundwater

		contamination but the cleanup of these sites gets caught up when no identifiable party has legal or financial responsibility. Without addressing these issues for Good Samaritans who would like to help, liability rules would transfer legal responsibility for all the pre-existing pollution from a mine to those stepping in to help, even though they had no involvement with the mine prior to cleaning it up. This legislation will provide Good Samaritans with liability waivers from federal laws (CERCLA and CWA) and more flexibility to take on abandoned hardrock mine cleanups. Good Samaritan permittees will be protected from enforcement actions, civil or criminal penalties, citizen suits, and any liabilities for response costs, natural resource damages, or contribution under the Federal Water Pollution Control Act (FWPCA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) for any activities authorized by the permit.
1.6	**Q. What is the scope of the Good Sam pilot program?**	**A:** This pilot program is designed for lower risk projects that will improve water and soil quality or otherwise protect human health. The Law establishes a pilot program in the U.S. Environmental Protection Agency to permit the decontamination of up to 15 abandoned mines that were established before 1980. Nothing in the Act reduces any existing liability or releases any person from liability from local, state or federal law except in compliance with the Act. Further, nothing in the Act authorizes any mining, exploration or processing, except for reprocessing as provided by a permit that contributes to the remediation of the abandoned mine site.
1.7	Q**: What is the potential impact of this law?**	A: The Good Samaritan Remediation of Abandoned Hardrock Mines Act has the potential to: **Increase the cleanup of abandoned mine sites:** By reducing liability concerns, the Act aims to incentivize more voluntary cleanups, leading to improved water and soil quality and reduced risks to human health and the environment in mining-affected areas. **Engage non-liable parties:** State agencies, local governments, non-profit organizations, and even potentially for-profit entities that were not involved in the original mining activities may be more willing to undertake remediation projects. **Streamline the cleanup process:** The exemption from certain permitting requirements under the CWA and CERCLA could save time and resources for Good Samaritans. However, there are also potential concerns and limitations on how the rollout of this program will function. **Limited Scope:** The pilot program is limited to 15 permits nationwide over seven years, meaning it will only address a small fraction of the hundreds of thousands of abandoned mine sites across the country. **Complexity of Implementation:** Navigating the application process, demonstrating the absence of responsible parties, and meeting the requirements for detailed plans and financial assurance may still pose challenges for potential Good Samaritans. **Potential for Misuse:** Some environmental groups have expressed concern that the law could be exploited by mining companies to re-mine sites under the guise of remediation with limited liability. However, the Act explicitly prohibits mining activities under a Good Samaritan permit. **Funding Limitations:** While the Remediation Fund is established, its

		long-term financial sustainability and capacity to address the massive scale of abandoned mine cleanup needs remain uncertain.
1.8	**Q: What is the expected impact of this pilot program for cleaning up abandoned mines (with respect to the overall scale of the problem)?**	**A:** A government watchdog puts the number of abandoned mines at 390,000 on federal land in 13 states in 2020. While this law is only for 15 projects, the intent is to prove the concept to get full-scale legislation passed after the 7-year sunset of the law. This would then allow for more wide-spread cleanups. The hope is that these pilot projects, which received waivers on federal laws for polluter punishments, can show the proof of concept for future permanent program. "Don't let perfect be the enemy of the good," said Willis. "We can potentially do like a 70% improvement in water quality that would then support aquatic life, as opposed to 100% water quality that would be unachievable both financially and long term."
1.9	**Q: How does this law impact broader conservation efforts?**	**A:** The Act can benefit conservation by reducing pollution from abandoned mines, which often degrade water quality in rivers and streams. Cleaner waterways support healthier ecosystems, benefiting aquatic species, wildlife, and habitats impacted by acid mine drainage and heavy metal contamination.
1.10	**Q: Who is managing the program?**	**A:** The Environmental Protection Agency's (EPA) Office of Mountains, Deserts and Plains (OMDP) in Denver will administer the program.
1.11	**Q: Does the Good Samaritan Act have a Sunset clause?**	**A:** It sunsets in 7 years. The expectations are that the pilot phase will be a successful demonstration and lead to legislation for a continuing expanded program.
1.12	**Q: What challenges or limitations does the Act face?**	**A:** The pilot program's scale is small, covering only 15 sites out of thousands, which critics might argue is insufficient. Additionally, the temporary nature of the program (seven years) may limit long-term impact unless Congress establishes a permanent solution. Finally, the strict eligibility criteria and prohibition on new mining activities might deter some potential participants, though these measures ensure environmental focus.
1.13	**Q: Does this Good SAM pilot program cover all states in the U.S.?**	**A:** Yes, but the program is limited to hard rock mines. There are thousands of abandoned mines in the United States, and the location of many more is still unknown. The Western U.S. alone is estimated to have at least 250,000 abandoned mining features.
1.14	**Q: Could this law inspire similar legislation for other types of abandoned sites, like coal mines?**	**A:** Yes, the pilot program's success could serve as a model for future legislation addressing other abandoned sites, such as coal mines, which are currently excluded from this Act. The EPA's report to Congress after eight years will evaluate the program's effectiveness, potentially leading to expanded Good Samaritan protections for other environmental cleanup initiatives. Additionally, Congress is currently considering a coal Good Sam remedy in this Congress at: https://www.congress.gov/bill/119th-congress/house-bill/167/text/ih
1.15	**Q. While the Good Sam pilot program was authorized by Congress, are there now concerns about what will happen in the**	**A:** The EPA contacted TU seeking input immediately after the legislation was signed and has been actively communicating and participating in organizational meetings in preparation of launching the program.

	current political climate targeting Federal agencies and the DOGE cutbacks/freezes?	Continuing the strong bipartisan support that led to the passage of Good SAM, all participants are committed to making this pilot program a success!
2	**Definitions and Scope [Details]**	
2.1	**Q: What types of sites will likely be selected for clean-up first?**	**A:** Likely some of the more "easy" and less complex projects will be selected. The pilot program will address lower risk sites, such as dry waste rock pile projects and those with a relatively minor metal loading and pH. The program will allow treatment of point-source wet sites that are discharging mine water from inner, underground workings. No blocked adits, no bulkheads, no collapsed adits = no Gold King spills. Low volume of water being discharged (undefined yet, but something like less than 20GPM)
2.2	**Q: How many Good SAM Permits will be issued for remediation projects?**	**A:** The pilot authorizes up to 15 remediation project permits. There are two types of permits; investigative and remedial. An investigative permit may be initially sought for a possible site where further investigation or characterization is yet needed to determine if the site should move forward towards a full remedial permit. But a total of 15 permits of either type may be issued within the pilot. If an investigative permit produces a site ready for remediation, the Good Sam may move the investigative permit into a full remediation permit and perform the work. If an investigative permit determines a site is not a good fit for a remedial permit, the Good Sam may terminate that investigative permit and it is made available for another site. If a site has full baseline data and no investigation is needed, a Good Sam can apply directly for a remedial permit and skip investigation.
2.3	**Q: Who will design the Good SAM remediation project?**	**A:** Each Good Sam for each project will be responsible for engineering and design of their project. This will likely be done through engineering consultants on a site by site basis.
2.4	Q**: Who qualifies as a "Good Samaritan" under this law?**	**A:** According to the Act, a "Good Samaritan" is a person or entity that meets all of the following criteria: Is not a past or current owner or operator of the abandoned hardrock mine site (or any part of it). Had no role in creating the historic mine residue. Is not potentially liable under any federal, state, tribal, or local law for the remediation, treatment, or control of the historic mine residue. For-profit mining companies may potentially qualify as Good Samaritans if they meet these criteria.
2.5	**Q: What qualifies as an "abandoned hardrock mine site" under the Act?**	**A:** An abandoned hardrock mine site is defined as an inactive or abandoned mine (and associated facilities) used for mineral production (excluding coal) on federal or non-federal land under the Mining Law of 1872, where no responsible owner or operator can be identified as liable for environmental remediation.
2.6	Q**: What types of mine sites are eligible for remediation under this law?**	**A:** The Act applies to "abandoned hardrock mine sites," which are defined as abandoned or inactive mines (and associated facilities) used for the production of minerals other than coal on federal or non-federal land. Eligible sites include those previously subject to completed cleanup

		actions under CERCLA or similar programs. However, the law specifically excludes: Mines in temporary shutdown or cessation. Sites on the National Priorities List (Superfund list). Mines with planned or ongoing CERCLA response actions. Sites with a responsible owner or operator. Mines that actively mined or processed minerals after December 11, 1980.
2.7	Q**: What kind of permits are available under this pilot program?**	**A:** The Act allows the Environmental Protection Agency (EPA) to issue two types of permits under a seven-year pilot program, with a limit of 15 Good Samaritan permits at any one time: **Good Samaritan Permits:** These permits authorize remediation activities at eligible abandoned hardrock mine sites. **Investigative Sampling Permits:** These allow prospective Good Samaritans to investigate historic mine residue, soil, sediment, or water to determine baseline conditions and assess the feasibility of a cleanup project. Importantly, liability protections also extend to those with investigative sampling permits, even if they ultimately decide not to pursue a full remediation project.
2.8	**Q: How many permits can the U.S. Environmental Protection Agency (EPA) issue under the pilot program?**	**A:** The EPA is authorized to issue up to 15 Good Samaritan permits for remediation projects and up to 15 investigative sampling permits to assess site conditions, with the latter not obligating remediation. A total of 15 permits are allowed, not 30.
2.9	**Q: What are the characteristics of an abandoned mine?**	**A:** Abandoned mines are what is left over from historic mining activities before federal and state laws requirements were in place for removing safety or environmental hazards before abandoning them. The pilot program is not permitted at sites where active mining or mineral processing occurred after December 11, 1980. Abandonment specifically means there are no viable or historic potentially responsible party (PRP) that can be found and held responsible for cleaning up the mine waste and pollution. Abandoned Mine Lands (AMLs) are defined as those lands, waters, and surrounding watersheds contaminated or scarred by extraction, beneficiation or processing of ores and minerals, including phosphate (but not coal). Abandoned mine lands include areas where mining or processing activity is temporarily inactive.
2.10	**Q: How long will the pilot program last, and what happens after it ends?**	**A:** The program runs for seven years, terminating on December 17, 2031, unless extended. Applications submitted within 180 days of the termination date can still be processed if completed within the seven-year window. After eight years, the EPA must submit a report to Congress evaluating the program, which could inform the creation of a permanent program if successful.
2.11	**Q: What are the broader environmental implications of the Act?**	**A:** The Act addresses a major environmental issue—over 140,000 abandoned hardrock mine sites in the U.S., with 22,500 posing environmental hazards, including 40% of western headwater streams impacted by pollution. By facilitating low-risk cleanups, it aims to reduce contamination, benefiting ecosystems and communities, though its scope is limited to 15 sites, a small fraction of the total.

2.12	**Q: What kinds of pilot projects will be covered in this program?**	**A:** The proposed activities are designed to result in partial or complete remediation of historic mine residue. The proposed project poses a low risk to the environment, as determined by the EPA administrator. Eligible projects include those that are point-source, non-point-source and/or a combination.
2.13	**Q: What types of abandoned mines are eligible for the pilot program?**	**A:** Ones that don't have a potentially responsible party associated with them, are not on the Superfund National Priority List (NPL), and do not have active Superfund cleanups ongoing at them. Eligible sites include those with previously mined ores, equipment, or waste materials like tailings, heap leach piles, and overburden, that contribute to pollution like acid mine drainage.
2.14	**Q: Will this program allow cleanup of abandoned coal mines?**	**A:** Not in the Good SAM Pilot Program. Although acid mine drainage/acid rock drainage caused by coal mining commonly results in significant environmental impacts, Congress has designated the Department of the Interior's Office of Surface Mining as the federal authority responsible for addressing these coal mining contamination problems.
2.15	**Q: Are abandoned uranium mines eligible as pilot projects?**	**A:** No, uranium mines are not eligible for this program. There are estimated to be at least 4,000 abandoned uranium mines scattered across the Western U.S.
2.16	**Q: Can Tribes apply for Good Samaritan permits under this law?**	**A:** Yes, Tribes are eligible to apply as Good Samaritans, provided they meet the criteria: they must not be past or current owners/operators of the site, must not have contributed to the pollution, and must not be potentially liable under other laws. This provision is significant for Tribes in regions where abandoned mines impact their lands and waters.
2.17	**Q: How does the Act handle sites on federal versus non-federal land?**	**A:** The Act applies to abandoned hardrock mine sites on both federal and non-federal land. For federal lands, the EPA coordinates with agencies like the Bureau of Land Management or U.S. Forest Service. On non-federal lands, the EPA works with state and local authorities to ensure compliance with the permit's environmental goals.
2.18	**Q: Are there specific criteria for selecting the 15 pilot sites?**	**A:** The Act doesn't specify exact criteria, but the EPA is likely to prioritize sites based on environmental impact (e.g., significant water quality degradation), feasibility of remediation, and potential benefits to ecosystems or communities, such as reducing toxic runoff in sensitive watersheds.
2.19	**Q: Can a mining company apply for the pilot program?**	**A:** Yes, mining companies can perform projects at sites where they have absolutely no connection and meet the eligibility requirements, specifically cannot be a past or current owner or operator of the mine site or a portion of the mine site and must not have had any role in the creation of the mine contamination, and not be liable for remediation of the mine. While "new mining" as such is prohibited, under specified conditions, remining and reprocessing of waste rock to bring critical minerals to market is allowed. Proceeds from materials recovered during remediation on federal lands can be used to offset remediation costs and reimburse administration expenses, with remaining proceeds contributing to the Good Samaritan Mine Remediation Fund.

2.20	**Q: What is the difference between an Investigative Sampling Permit and a Good SAM Permit?**	**A:** The Investigative Sampling Permit enables gathering data and proving up the concept for remediation prior to seeking an implementation permit. These are also limited to fifteen total at any one time, to conduct an investigation of historic mine residue, soil, sediment, or water to determine baseline conditions and whether the prospective applicant is willing to perform remediation to address the historic mine residue, or the applicant can back out and decline to convert to an implementation permit at any time. The implementation permit would be to actually break ground and conduct reclamation or treatment actions.
2.21	**Q: What is the expected schedule/timeframe for submission of pilot projects to the EPA?**	**A:** Possibly Fall, 2025 for the first round of less complex projects. EPA is shooting for Oct. 1st, 2025. These projects would then have the anticipated implementation during the field season of 2026.
2.22	**Q; What all will be needed in order to submit an application for a Good SAM pilot project?**	**A:** The proposed remediation activities should be designed to improve or enhance water quality or site-specific soil quality or to otherwise protect human health and the environment. Applications must meet several requirements, including: a description of all parties; baseline conditions to be quantified and documented; detailed remediation plans, including information on engineering, operation and maintenance, and post-remediation monitoring, as well as reprocessing plans if proposed; health and safety plan, as well as a contingency plan in the event of unplanned release of mine residue; the applicant must provide a budget and description of financial resources to ensure completion of the project.
2.23	**Q: Who will be deciding what pilot projects get selected?**	**A:** The pilot program will be managed by the EPA. The EPA has full discretion to permit, or not.
2.24	**Q: How does this pilot program application comply with the National Environmental Policy Act (NEPA)?**	**A:** It will have to comply with NEPA. Compliance with environmental assessments and public comment processes is mandated. This includes historical and ESA consultation.
2.25	**Q: How much documentation will the EPA require in order to establish that a particular mine has no potentially responsible parties (PRP) and is truly "abandoned", or will this be a simpler matter of verification that no entity has been identified or self-identified?**	**A:** This is a topic that requires further clarification from the EPA and the federal land management agencies. There are considerable costs associated with contracting out searches for Potentially Responsible Parties (PRP's) and these may be justified in some cases. Demonstration of abandonment may be simpler in other cases..
2.26	**Q: How is a Good SAM Permit terminated?**	**A:** Generally, a Good Samaritan Permit will expire upon completion of the permit terms, both when certain unforeseen circumstances occur, and under certain procedural conditions.
3	**Implementation**	
3.1	**Q: What kinds of physical remedies may be designed and constructed in a pilot project?**	**A:** Physical remedies will likely target source materials first and released materials later, starting from upstream at a site and progressing downstream so as to not re-contaminate any already remediated areas. Depending on the findings from the investigation phase, physical remedies may include these and/or others depending on the specific sites:

		• Improving access temporarily for construction • Building berms and channels to divert unimpacted run-on around waste materials • Hauling small piles of waste to make a larger pile suitable for cover placement – it is inefficient to place a thick cover over a thin pile of waste • Regrading waste materials to a stable angle • Finding local cover materials that reduce infiltration, promote plant growth, and resist erosion • Covering and revegetating waste materials • Constructing runoff collection channels with sedimentation ponds to reduce the offsite release of sediment, especially before vegetation has had time to become re-established • Restoring nearby stream reaches with measures such as replacing culverts, planting willows, and installing vanes, barbs, beaver dam analogs, etc.
3.2	**Q: What kind of liability protections does the Act provide to Good Samaritans?**	**A:** Good Samaritans are protected from liability under the Clean Water Act (CWA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for past, present, or future releases of hazardous substances at the site, as long as they comply with the permit. They are also exempt from needing CWA permits (e.g., Sections 402 or 404) or other federal, state, or local permits for onsite remedial actions.
3.3	Q**: What are the benefits of obtaining a Good Samaritan permit?**	**A:** The Act offers several significant benefits to those who obtain a Good Samaritan permit: **Liability Protection:** Permittees are considered in compliance with the Clean Water Act (CWA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the remediation activities authorized by the permit, both during and after the permit term. This protection extends to past, present, and future releases from the permitted site, provided the permittee complies with the permit terms and does not worsen environmental conditions. **Exemption from Certain Permitting Requirements:** Good Samaritans with permits are exempt from obtaining certain CWA permits (Sections 402 and 404) and the CERCLA remediation permit requirement for on-site activities. **Grant Funding Eligibility:** Permittees are eligible to apply for grant funding under the CWA and CERCLA for their permitted remediation activities. **Potential for Reprocessing Recovered Materials:** On federal land, permittees may be allowed to reprocess materials recovered during remediation. The proceeds must first be used to cover remediation costs and reimburse the federal land management agency, with any remaining funds going to the Good Samaritan Mine Remediation Fund.
3.4	**Q: What activities are allowed under a Good Samaritan permit?**	**A:** Permits allow remediation of historic mine residue to improve environmental conditions, such as water and soil quality. They may also permit reprocessing or recycling of mine residue, but proceeds must offset remediation costs or be deposited into the Good

		Samaritan Mine Remediation Fund. New mining activities, like mineral exploration or beneficiation, are strictly prohibited.
3.5	Q**: What are the limitations and requirements associated with Good Samaritan permits?**	**A:** While the Act offers significant benefits, it also includes important limitations and requirements: **No Mining Activities:** Good Samaritan permits cannot authorize mineral exploration, processing, beneficiation, or mining. **Demonstration of No Responsible Party:** Applicants must make reasonable and diligent efforts to identify any responsible owners or operators for the site and demonstrate to the EPA that no such entity exists. If a responsible party is identified, the permit application will be denied. **Detailed Plans and Financial Assurance:** Applicants must submit detailed remediation plans, engineering plans, and monitoring plans. They must also demonstrate the financial resources to carry out the remediation or secure third-party financial assurance to ensure completion of the work and any long-term operation and maintenance. **Environmental Review:** The issuance or modification of a Good Samaritan permit (but not an investigative sampling permit) is considered a major federal action under the National Environmental Policy Act (NEPA), requiring an environmental assessment and potentially an environmental impact statement. **Public Involvement:** The Act mandates public involvement, environmental review, public hearings, and consultation with state, local, and tribal governments in the permitting process. **Preventing Environmental Degradation:** Permittees must prevent environmental conditions from worsening during investigation and remediation. Failure to comply with permit terms that results in measurably worse conditions can lead to the revocation of liability protections.
3.6	**Q: What does it mean to be a Good Samaritan with respect to abandoned mines?**	**A:** Good Samaritans would be defined as a party voluntarily agreeing to remediation of contamination at an eligible abandoned hardrock mine where there is no responsible owner or operator. The Good Samaritan is not a past or current owner or operator of any portion of the site impacted by releases of hazardous substances, had no role in causing the release of hazardous substances or existing contamination at the site or affiliation with someone who did, and Is not potentially liable under any Federal, State, Tribal or local law for the remediation, treatment, or control of existing contamination. The pilot program allows nonprofits, state agencies, Tribal Governments and others to clean up abandoned mine sites without the burdensome level of liability. The Good Samaritan possesses or has the ability to secure the necessary financial resources to complete the permitted work and address any contingencies in the permit application, has the proper and appropriate experience and capacity to complete the permitted work and will complete the permitted work.
3.7	**Q: What happens if a Good Samaritan violates the permit conditions?**	**A:** If a permit violation causes an uncorrected worsening of environmental conditions, all liability protections are revoked, and

		the permittee becomes subject to applicable environmental laws, including citizen lawsuits under the Clean Water Act.
3.8	**Q: Will a Good SAM Permittee self-perform the actual remediation work or establish contracts with consultants, construction/remediation companies, analytical laboratories, other entities to perform the work under the Permittee's direction?**	**A:** This will depend on the Good Sam, whether they are an NGO, federal land management agency, state agency, Tribe or other. In general, however, the Good Sam will likely contract out many aspects of the project, including engineering, sampling, heavy equipment, etc. The permittee will act as a general contractor and lead the effort according to their permit.
3.9	**Q. Have any specific abandoned mines been targeted yet?**	A: No, but there have been good discussions with industry, other NGOs, states, tribes, and other Good Sams on projects that could rank high in the first group of 15.
4	**Liability & Liability Protections**	
4.1	**Q: What kind of oversight does the EPA have over the Good Samaritan projects?**	**A:** The EPA oversees the program by reviewing permit applications, ensuring compliance with environmental standards, and monitoring remediation outcomes. Permits require a detailed work plan, including timelines, methods, and measures to prevent worsening environmental conditions. The EPA can revoke permits if violations occur, and permittees must submit annual progress reports.
4,2	**Q: What are the risks for groups taking on a Good SAM pilot project?**	**A:** If you make conditions worse, you can be held responsible and liable under CWA and CERCLA. Violation of a permit term or condition may result in a loss of the liability protections under the Act if environmental conditions are measurably worse than baseline conditions as a result of the violation. Before liability protections are lost, the EPA must notify the Good Samaritan of the failure to comply with the permit and require the Good Sam to take reasonable actions to return environmental conditions to baseline.
4.3	**Q: What role do states play in the implementation of this Act?**	**A:** States can apply for permits as Good Samaritans, collaborate with the EPA on project oversight, and provide input during the permit application process. They may also assist in identifying priority sites for cleanup, leveraging local knowledge of environmental impacts on state-managed resources.
4.4	**Q: How does the Good Sam Law work with respect to the Clean Water Act?**	**A:** The Good SAM permit provides requirements and terms and conditions, and establishes exceptions under the Clean Water Act, CERCLA, State and Tribal law. The law contains a 'do no harm' provision. In other words, so long as you don't make the problem worse, and make improvements, you can't be held liable under the Clean Water Act. The Clean Water Act standards for treatment are waived. Any improvements in water quality are considered successes, not failures requiring EPA fines and possible citizen lawsuits. No traditional EPA National Pollutant Discharge Elimination System (NPDES) permit is needed. This new permit replaces that at Good Sam sites. Only activities authorized under the permit receive liability waivers. All current environmental laws are still in effect. This includes the Clean Water Act as a backstop, and a NEPA process with public input is included in the permitting process.

4.5	**Q: Is the Environmental Protection Agency (EPA), USFS, BLM, or other land management agency providing direct funding for Good SAM remediation projects?**	**A:** No money is authorized in this law. It is up to the Good Sam project proponent to fund the cleanup. The pilot projects are eligible for grants to fund the work.
4.6	**Q: How does this law interact with existing environmental regulations like the Clean Water Act?**	**A:** The Act provides exemptions from certain Clean Water Act requirements (e.g., Sections 402 and 404 permits) for Good Samaritans during remediation, as long as they comply with their permit. However, if a permit is violated and environmental conditions worsen without correction, the exemptions are lifted, and the permittee becomes liable under the Clean Water Act.
4.7	**Q: Is this Good SAM pilot program part of the Superfund act (Comprehensive Environmental Response, Compensation, and Liability Act or "CERCLA")?**	**A:** No, but the Good SAM permit requirements and terms and conditions establishes protection from liability under the Comprehensive Environmental Response, Compensation, and Liability Act during and after the permit term for both Good Samaritan Permits and Investigative Sampling Permits, and after declining to convert an investigative sampling permit to a Good Samaritan permit.
4.8	**Q: What oversight by land management agencies and the EPA will occur and what is the source of funding for that? What happens if no funding for oversight is available?**	**A:** Generally, the EPA Administrator is primarily responsible for overseeing the program. The federal land management agencies such as the Department of the Interior and the Department of Agriculture play a significant role when projects are proposed on land owned by the United States. These agencies collaborate with the EPA in environmental reviews, public participation, and enforcement of Good Samaritan permits on federal lands. The Forest Service and Bureau of Land Management will oversee projects on federal land, ensuring they meet safety and environmental standards. The agencies will collaborate with other federal and state agencies, as well as non-profits, to leverage resources and ensure success. The program also establishes a fund to support land management agencies in authorizing Good Samaritan projects. When the project involves long-term operations and maintenance on federal lands, the Good Samaritan may coordinate with the federal agency to take over and terminate the permit under an agreement with the applicable federal agency.
4.9	**Q: Is monitoring required under a Good SAM Permit for a remediation project?**	**A:** Post-remediation monitoring is required. Permit applications must include detailed plans for monitoring, including plans for monitoring the success of the remediation activities. The goal of monitoring is to ensure the project is environmentally beneficial and to assess the effectiveness of the remediation measures. Monitoring can detect any unexpected degradation or deterioration of the site and allow for timely corrective action. The permit may include specific monitoring requirements, and compliance with these conditions is crucial for maintaining liability protections. Monitoring data can be used to demonstrate the progress of the remediation project to the public and interested parties.
4.10	**Q: Is long-term inspection and maintenance required after remediation under a Good SAM Permit?**	**A:** Yes, long-term inspection and maintenance are often required after remediation efforts, especially for Good Samaritan Remediation of Abandoned Hardrock Mines Act permits. This is to ensure the effectiveness of the remediation and to address potential long-term issues.

5	Costs	
5.1	**Q: What is the Good Samaritan Mine Remediation Fund?**	**A:** The Act establishes the Good Samaritan Mine Remediation Fund to assist with funding remediation projects on federal land. The fund can receive: Appropriated funds. Excess proceeds from the reprocessing of recovered materials on federal land. Financial assurance monies collected if a Good Samaritan fails to complete a project. Monies collected for long-term operations and maintenance agreements. Donated funds.
5.2	**Q: What is the Good Samaritan Mine Remediation Fund, and how is it funded?**	**A:** The Fund supports remediation projects and is financed by appropriated monies, donations, financial assurance proceeds, funds from long-term operations and maintenance agreements, and excess proceeds from reprocessed materials. Federal agencies can retain and use these funds without fiscal year limitations.
5.3	**Q: Are there any financial incentives for Good Samaritans to participate in the program?**	**A:** While the Act doesn't provide direct funding, it allows Good Samaritans to reprocess or recycle historic mine residue, with any proceeds used to offset remediation costs or deposited into the Good Samaritan Mine Remediation Fund. The liability protections also reduce financial risks, making cleanup efforts more feasible for entities with limited budgets.
5.4	**Q: How does the Act address long-term maintenance of remediated sites?**	**A:** The Act allows Good Samaritans to establish long-term operations and maintenance agreements, with associated funds deposited into the Good Samaritan Mine Remediation Fund. These funds can be used by federal agencies for ongoing site management without fiscal year limitations, ensuring remediated sites remain stable.
5.5	**Q: Do applicants for pilot projects have to have funding in hand at the time of submitting an application to the EPA, or can the application for a permit be submitted while fundraising efforts are still in progress/underway?**	**A:** This is a detail to be determined, but there likely will be a bit of flexibility here. Investigative permits likely won't require full proof of funding, but implementation permits will need to have financial assurances in place before beginning the project.
5.6	**Q: What are the potential economic benefits of the Act for local communities?**	**A:** By cleaning up abandoned mines, the Act can improve water quality, benefiting local agriculture, recreation, and tourism industries. Cleaner streams can enhance fishing and outdoor activities, boosting tourism in rural areas. Additionally, remediation projects may create jobs for local contractors or volunteers involved in the cleanup efforts.
5.7	**Q: Will the EPA require financial assurance that sufficient funds for the cleanup are available from the permitee, and does TU have a source for insurance that would cover this?**	**A:** TU has had to do that in the past, when we've had an administrative settlement agreement in order on consent, and there's many ways they can do it right. It could be a bond, a surety, or a statement of available financial resources that could cover the project. Regarding questions of gross negligence additional input from TU legal counsel may be required. It is typical for TU to carry

		contractor pollution, liability insurance for spills and releases of spills on these types of projects, as well as our general liability insurance.
5.8	**Q: Does the applicant have to establish a third-party financial assurance mechanism (e.g., letter of credit, bond, etc.) to ensure funds for remediation, monitoring, and long-term maintenance are available if the Permittee does not perform?**	**A:** Yes. The form of third party financial assurance mechanism is also TBD and likely dependent on the type of applicant. As mentioned above, it is unlikely that financial assurance would be needed for the investigative permit and likely for the implementation permit.
6	**TU Involvement**	
6.1	**Q. Will TU or any other NGO's and/or Conservation/Recreational Groups be eligible to function as a "Good Samaritan" in the pilot program?**	**A:** Yes. While TU was involved in drafting the legislation and contributing to the development of the process, the intent is for TU and other NGOs and Tribal governments to participate in the pilot program.
6.2	**Q: I have searched the (Environmental Protection Agency) EPA website for information about the Good SAM Pilot Project Program but wasn't able to find any details. Is there a direct link for information?**	**A:** Stay tuned – this FAQ will be updated as more details are finalized.
6.3	**Q: How can an entity interested in submitting a Good SAM Pilot Project get more information about the conditions?**	**A:** Investigative Sampling Permits Prior to seeking a Good Samaritan Permit, an interested person may obtain an investigative sampling permit (also limited to fifteen total at any one time) to conduct an investigation of historic mine residue, soil, sediment, or water to determine baseline conditions and whether the prospective applicant is willing to perform remediation to address the historic mine residue.
6.4	**Q. To what extent is TU engaged in one or more 'proof of concept' pilot projects?**	**A:** TU has an established and successful AML program headquartered in CO. Additionally, TU is currently expanding the AML program into NM and NV. It is likely TU will submit a permit application(s), but how many and where is yet to be determined.
6.5	**Q: How can I learn more about Good SAM pilot projects happening in my area (States/TU Regions: Pacific, Rockies, Eastern)?**	**A:** Contact AML or mining staff directly. Ty.churchwell@tu.org Jason.willis@tu.org
6.6	**Q: Will TU Staff be working with TU Grassroots Chapters/Councils on any Good SAM pilot project(s)?**	**A:** Yes, TU AML staff welcome input on any known or possible mining features that are impacting a trout fishery. And as projects develop, and as chapter/state resources are considered, AML staff will engage with affected watersheds and TU members.
6.7	**Q. Should TU councils/chapters help to identify problem abandoned mines in their areas or does TU already have a list of priorities to be addressed?**	**A:** Both. TU AML staff in certain states have done some site considerations and prioritizing. But no one knows these resources better than those who live there. We welcome input and engagement at all levels.
6.8	**Q. Will TU be partnering with any other NGO's and/or Conservation/Recreational Groups in the Good Sam pilot program?**	**A:** Yes. Good Sam is meant to incentivize partnerships. Community partnerships, such as watershed groups, local governments or Tribes

		are desired. TU is looking to partner with States as well on these types of projects where applicable.
6.9	**Q: What will TU be doing to make sure the pilot program is successful, and what happens next?**	**A:** TU will continue to play a lead role in engaging partners, prioritizing sites and assisting with anything that proves-up this concept and sets the stage for success. EPA has asked for our help and leadership, and TU has committed it.
6.10	**Q: Is there someone at TU that I can contact for more information and/or to discuss abandoned mine cleanup with?**	**A:** 1st point of contact – Ty Churchwell – ty.churchwell@tu.org, 970-903-3010 2nd point of contact – Jason Willis – jason.willis@tu.org