

107TH CONGRESS
2D SESSION

H. R. 4078

To provide for the reclamation of abandoned hardrock mines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the reclamation of abandoned hardrock mines, and for other purposes.

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

3 **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Abandoned Hardrock Mines Reclamation Act of 2002”.

6 (b) FINDINGS.—The Congress finds that:

7 (1) Through various laws and policies, including
8 the General Mining Law of 1872, the Federal Gov-
9 ernment has encouraged the development of gold,

1 silver, and other minerals, especially in the west, and
2 development of these resources has helped create a
3 strong economy and provided needed materials for
4 many critical products and services.

5 (2) However, historically mining activities have
6 occurred in recurrent cycles of “boom” followed by
7 “bust”, with many mines left inactive and aban-
8 doned at the end of each cycle.

9 (3) As a result of this history, the nation has
10 been left an unwelcome legacy of inactive or aban-
11 doned mines that includes thousands of such sites in
12 the western States.

13 (4) Many inactive or abandoned mines are hav-
14 ing serious effects on the lands and waters of af-
15 fected States. Thousands of stream miles are dam-
16 aged by drainage and runoff from such mines, and
17 in several western States this is one of the largest
18 sources of adverse effects on water quality. Many of
19 these sites also pose safety hazards to the public.

20 (5) Cleanup of these sites is hampered by two
21 obstacles—lack of funding and concerns about liabil-
22 ity. In many cases, no responsible party for such a
23 mine site is identifiable. In many other cases, no re-
24 sponsible party has the economic resources to re-
25 spond to the adverse environmental effects of a site.

1 Federal and State agencies and Indian tribes have
2 in many cases not been able to afford to make clean-
3 up of these mine sites a high priority. And other
4 parties have been reluctant to undertake remedial
5 actions because of the possibility that they would be
6 considered to have assumed liability with regard to
7 such a site.

8 (6) It is in the national interest to facilitate the
9 cleanup of these sites through appropriate legislation
10 that reduces these obstacles.

11 (c) PURPOSE.—The purpose of this Act is to facili-
12 tate cleanup of inactive and abandoned mine sites by es-
13 tablishing a source of funding for that purpose and by lim-
14 iting the potential liability of parties undertaking to carry
15 out such cleanup.

16 (d) SCOPE.—Nothing in this Act is intended to facili-
17 tate new mining activities or any reduction in liability as-
18 sociated with any current or new mining or processing ac-
19 tivities.

20 **TITLE I—FUNDING FOR** 21 **ABANDONED MINE CLEANUPS**

22 **SEC. 101. DEFINITIONS.**

23 As used in this title:

24 (1) The term “gross proceeds” means the value
25 of any extracted hardrock mineral which was—

1 (A) sold;

2 (B) exchanged for any thing or service;

3 (C) removed from the country in a form
4 ready for use or sale; or

5 (D) initially used in a manufacturing proc-
6 ess or in providing a service.

7 (2) The term “net proceeds” means gross pro-
8 ceeds less the sum of the following deductions:

9 (A) The actual cost of extracting the min-
10 eral.

11 (B) The actual cost of transporting the
12 mineral to the place or places of reduction, re-
13 fining and sale.

14 (C) The actual cost of reduction, refining
15 and sale.

16 (D) The actual cost of marketing and de-
17 livering the mineral and the conversion of the
18 mineral into money.

19 (E) The actual cost of maintenance and re-
20 pairs of—

21 (i) all machinery, equipment, appa-
22 ratus and facilities used in the mine;

23 (ii) all milling, refining, smelting and
24 reduction works, plants and facilities; and

1 (iii) all facilities and equipment for
2 transportation.

3 (F) The actual cost of fire insurance on
4 the machinery, equipment, apparatus, works,
5 plants and facilities mentioned in subparagraph
6 (E).

7 (G) Depreciation of the original capitalized
8 cost of the machinery, equipment, apparatus,
9 works, plants and facilities mentioned in sub-
10 paragraph (E).

11 (H) All money expended for premiums for
12 industrial insurance, and the actual cost of hos-
13 pital and medical attention and accident bene-
14 fits and group insurance for all employees.

15 (I) The actual cost of developmental work
16 in or about the mine or upon a group of mines
17 when operated as a unit.

18 (J) All royalties and severance taxes paid
19 to the Federal Government or State govern-
20 ments.

21 (3) The term “hardrock minerals” means any
22 mineral other than a mineral that would be subject
23 to disposition under any of the following if located
24 on land subject to the general mining laws:

1 (A) The Mineral Leasing Act (30 U.S.C.
2 181 and following).

3 (B) The Geothermal Steam Act of 1970
4 (30 U.S.C. 100 and following).

5 (C) The Act of July 31, 1947, commonly
6 known as the Materials Act of 1947 (30 U.S.C.
7 601 and following).

8 (D) The Mineral Leasing for Acquired
9 Lands Act (30 U.S.C. 351 and following).

10 (4) The term “Secretary” means the Secretary
11 of the Interior.

12 (5) The term “patented mining claim” means
13 an interest in land which has been obtained pursu-
14 ant to sections 2325 and 2326 of the Revised Stat-
15 utes (30 U.S.C. 29 and 30) for vein or lode claims
16 and sections 2329, 2330, 2331, and 2333 of the Re-
17 vised Statutes (30 U.S.C. 35, 36, and 37) for placer
18 claims, or section 2337 of the Revised Statutes (30
19 U.S.C. 42) for mill site claims.

20 (6) The term “general mining laws” means
21 those Acts which generally comprise chapters 2,
22 12A, and 16, and sections 161 and 162 of title 30
23 of the United States Code.

1 **SEC. 102. SOURCE OF REVENUES FOR ABANDONED MINE**
 2 **CLEANUP.**

3 (a) RECLAMATION FEE.—Any person producing
 4 hardrock minerals from a mine within an unpatented min-
 5 ing claim or a mine on land that was patented under the
 6 general mining laws shall pay a reclamation fee to the Sec-
 7 retary under this section. The amount of such fee shall
 8 be equal to a percentage of the net proceeds from such
 9 mine. The percentage shall be based upon the ratio of the
 10 net proceeds to the gross proceeds related to such produc-
 11 tion in accordance with the following table:

Net proceeds as percentage of gross proceeds	Rate of fee as percentage of net proceeds
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

12 (b) EXEMPTION.—Gross proceeds of less than
 13 \$500,000 from minerals produced in any calendar year
 14 shall be exempt from the reclamation fee under this sec-
 15 tion for that year if such proceeds are from one or more
 16 mines located in a single patented claim or on two or more
 17 contiguous patented claims.

18 (c) PAYMENT.—The amount of all fees payable under
 19 this section for any calendar year shall be paid to the Sec-
 20 retary within 60 days after the end of such year.

1 (d) DISBURSEMENT OF REVENUES.—The receipts
2 from the fee collected under this section shall be paid into
3 an Abandoned Minerals Mine Reclamation Fund.

4 (e) EFFECTIVE DATE.—This section shall take effect
5 with respect to hardrock minerals produced in calendar
6 years after December 31, 2001.

7 **SEC. 103. ABANDONED MINERALS MINE RECLAMATION**
8 **FUND.**

9 (a) ESTABLISHMENT.—(1) There is established in
10 the Treasury of the United States an interest-bearing fund
11 to be known as the Abandoned Minerals Mine Reclamation
12 Fund (hereafter referred to in this section as the ‘Fund’).
13 The Fund shall be administered by the Secretary.

14 (2) The Secretary shall notify the Secretary of the
15 Treasury as to what portion of the Fund is not, in the
16 Secretary’s judgment, required to meet current with-
17 draws. The Secretary of the Treasury shall invest such
18 portion of the Fund in public debt securities with matu-
19 rities suitable for the needs of such Fund and bearing in-
20 terest at rates determined by the Secretary of the Treas-
21 ury, taking into consideration current market yields on
22 outstanding marketplace obligations of the United States
23 of comparable maturities. The income on such investments
24 shall be credited to, and from a part of, the Fund.

1 (b) USE AND OBJECTIVES OF THE FUND.—The Sec-
2 retary is, subject to appropriations, authorized to use
3 moneys in the Fund for the reclamation and restoration
4 affecting eligible areas, including, but not limited to, any
5 of the following:

6 (1) Reclamation and restoration of abandoned
7 surface mined areas.

8 (2) Reclamation and restoration of abandoned
9 milling and processing areas.

10 (3) Sealing, filling, and grading abandoned deep
11 mine entries.

12 (4) Planting of land adversely affected by past
13 mining to prevent erosion and sedimentation.

14 (5) Prevention, abatement, treatment, and con-
15 trol of water pollution created by abandoned mine
16 drainage.

17 (6) Control of surface subsidence due to aban-
18 doned deep mines.

19 (7) Such expenses as may be necessary to ac-
20 complish the purposes of this section.

21 (c) ELIGIBLE AREAS.—Reclamation expenditures
22 under this section shall be made only in States that are
23 eligible under subsection (f), and shall be used only for
24 reclamation of lands and waters—

1 (1) that were but are no longer actively mined
2 for hardrock minerals (and not in temporary shut-
3 down) as of the date of enactment of this Act;

4 (2) that are not included on the National Prior-
5 ities List under the Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980
7 (42 U.S.C. 9601 et seq.) and for which there is no
8 identifiable owner or operator for the mine or mine
9 facilities; and

10 (3) for which it can be established that such
11 lands do not contain minerals which could economi-
12 cally be extracted through the mining, reprocessing
13 or remining of such lands.

14 (d) INELIGIBLE AREAS.—Sites and areas designated
15 for remedial action pursuant to the Uranium Mill Tailings
16 Radiation Control Act of 1978 (42 U.S.C. 7901 and fol-
17 lowing) or which have been listed for remedial action pur-
18 suant to the Comprehensive Environmental Response
19 Compensation and Liability Act of 1980 (42 U.S.C. 9601
20 and following) or are the subject of a planned or ongoing
21 response or natural resources damages action under that
22 Act, shall not be eligible for expenditures from the Fund
23 under this section.

1 (e) PRIORITIES.—(1) Expenditures from the fund
2 shall reflect the following priorities, in the order stated
3 except as provided in paragraph (2).

4 (A) EXTREME DANGER.—Protection of public
5 health, safety, general welfare, and property from
6 extreme danger of adverse effects of past mineral ac-
7 tivity.

8 (B) ADVERSE EFFECTS.—Protection of public
9 health, safety, general welfare, and property from
10 the adverse effects of past mineral activity.

11 (C) DEGRADATION.—The restoration of water,
12 lands and fish and wildlife resources degraded by the
13 adverse effects of past mineral activity.

14 (2) When it is feasible and appropriate, a combina-
15 tion of priorities stated in paragraph (1) should be under-
16 taken to achieve more cost-effective full-site or full-drain-
17 age restoration.

18 (f) ELIGIBLE STATES.—Except as provided under
19 subsection (h), expenditures under this section shall be
20 made only for reclamation of lands and water within
21 States that—

22 (1) include lands subject to the general mining
23 laws; and

1 (2) have completed a statewide inventory of
 2 abandoned hardrock sites within the State eligible to
 3 receive funding under this Act.

4 (g) ELIGIBLE REMEDIATING PARTIES.—The Sec-
 5 retary may authorize expenditures from the fund for reme-
 6 diation activities conducted by an agency of the United
 7 States or by remediating parties who are permittees under
 8 the abandoned or inactive mine land waste remediation
 9 permit program as provided for in section 402(q) of the
 10 Federal Water Pollution Control Act (33 U.S.C. 1342).

11 (h) INVENTORY FUNDING.—States that include lands
 12 subject to the general mining laws but that have not com-
 13 pleted a statewide inventory as described in subsection
 14 (f)(2) may receive grants not exceeding \$2,000,000 annu-
 15 ally to assist in the completion of such inventory.

16 **TITLE II—GOOD SAMARITAN**
 17 **PERMITS FOR ABANDONED**
 18 **HARDROCK MINE CLEANUPS**

19 **SEC. 201. ABANDONED OR INACTIVE MINED LAND WASTE**
 20 **REMEDATION PERMITS.**

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

24 “(q) ABANDONED OR INACTIVE MINED LAND WASTE
 25 REMEDATION PERMITS.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) IDENTIFIABLE OWNER OR OPER-
3 ATOR.—The term ‘identifiable owner or oper-
4 ator’ means a person or entity—

5 “(i) that is the current owner or oper-
6 ator or that is or was responsible for the
7 activities at abandoned or inactive mined
8 land that created conditions that cause or
9 contribute to the discharge of pollutants
10 from the abandoned or inactive mined
11 land; and

12 “(ii) that is financially capable of
13 compliance with requirements of sections
14 301, 302, and 402.

15 “(B) PERMIT.—The term ‘permit’ means
16 an abandoned or inactive mined land waste re-
17 mediation permit described under paragraph
18 (2).

19 “(C) REMEDIATING PARTY.—The term ‘re-
20 mediating party’ means—

21 “(i) the United States, except with re-
22 spect to abandoned or inactive mined land
23 located on Federal land;

24 “(ii) a State or political subdivision
25 thereof; or

1 “(iii) an Indian tribe.

2 “(2) PERMITS.—

3 “(A) IN GENERAL.—The Administrator,
4 with the concurrence of the applicable State or
5 Indian tribe, may issue an abandoned or inactive
6 mined land waste remediation permit to a
7 remediating party for discharges associated
8 with remediation activity at any eligible area
9 under this subsection, that modifies the otherwise
10 applicable requirements of any other subsection
11 of this section and of sections 301 and
12 302.

13 “(B) DELEGATION.—The Administrator
14 shall not delegate the authority under subparagraph
15 (A).

16 “(3) PERMIT PROCESS.—

17 “(A) SCOPE.—(i) Except as provided in
18 clause (ii), a remediating party may apply for
19 a permit for remediation activities at abandoned
20 or inactive mined land from which there is or
21 may be a discharge of pollutants to waters of
22 the United States.

23 “(ii) A remediating party may not apply
24 for a permit under clause (i) if the abandoned
25 or inactive mined land is owned by the remedi-

1 ating party, unless the land was purchased by
2 the remediating party for the express purpose
3 of remediating pollutant discharges related to
4 past mining activities at the land to improve
5 water quality.

6 “(B) REMEDIATION PLAN.—A remediating
7 party that seeks a permit shall submit an appli-
8 cation for the permit that includes a remedi-
9 ation plan that—

10 “(i) identifies the remediating party
11 and any persons cooperating with the re-
12 mediating party with respect to the plan;

13 “(ii) identifies the abandoned or inac-
14 tive mined land addressed by the plan, in-
15 cluding a verification that the land is eligi-
16 ble under this Act;

17 “(iii) identifies the waters of the
18 United States affected by past mining ac-
19 tivities at the abandoned or inactive mined
20 land;

21 “(iv) describes the baseline condition
22 of the waters (including the nature and ex-
23 tent of any adverse water quality impact
24 and, as applicable, the levels of any pollut-
25 ant causing the impact);

1 “(v) describes the physical conditions
2 at the abandoned or inactive mined land
3 that are causing adverse water quality im-
4 pacts;

5 “(vi) describes the applicant’s reason-
6 able efforts to identify—

7 “(I) current owners, lessees, and
8 claimants of the abandoned or inactive
9 mined land addressed by the plan;
10 and

11 “(II) other persons, including
12 mine operators, if any, whose activi-
13 ties at the abandoned or inactive
14 mined land after October 18, 1972,
15 created conditions that cause or con-
16 tribute to the discharge of pollutants
17 from the abandoned or inactive mined
18 land;

19 “(vii) describes the remediation goals
20 and objectives, including the pollutant or
21 pollutants to be addressed by the plan, in-
22 cluding actions taken to meet the applica-
23 ble water quality standards to the max-
24 imum extent practicable, but in no cir-
25 cumstances below baseline water condition

as described pursuant to section 4(q)(3)(B)(iv);

“(viii) describes the practices, including a schedule and estimated completion date for implementing the practices, that are proposed to meet the applicable water quality standards to the maximum extent practicable, but in no circumstances below baseline water quality as determined under section 4(q)(3)(B)(iv), including—

“(I) in the case of a new remediation project, the preliminary system design and construction, operation, and maintenance plans; and

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

“(ix) explains how the practices described in clause (viii) are expected to result in the attainment of applicable water quality standards to the maximum extent practicable, but in no circumstances below

1 baseline water quality as determined under
2 section 4(q)(3)(B)(iv);

3 “(x) describes the monitoring or other
4 forms of assessment that will be under-
5 taken to evaluate the success of the prac-
6 tices during and after implementation, rel-
7 ative to baseline conditions;

8 “(xi) describes contingency plans, in-
9 cluding the practices to be implemented to
10 achieve the remediation goals and objec-
11 tives described in clause (vii), for respond-
12 ing to unplanned adverse events;

13 “(xii) provides a schedule for periodic
14 reporting on progress in implementing the
15 plan;

16 “(xiii) provides a budget for the plan
17 and identifies the funding sources that will
18 support the implementation of the plan, in-
19 cluding practices described in clauses (viii),
20 (x), and (xi);

21 “(xiv) describes the applicant’s legal
22 authority to enter and conduct activities at
23 the abandoned or inactive mined land ad-
24 dressed by the plan;

1 “(xv) contains any other additional in-
2 formation requested by the Administrator
3 to clarify the plan and the activities cov-
4 ered by the plan; and

5 “(xvi) is signed by the applicant.

6 “(C) REVIEW OF APPLICATION.—(i) The
7 Administrator shall—

8 “(I) review each application for an
9 abandoned or inactive mined land waste re-
10 mediation permit;

11 “(II) provide to the public notice of
12 and reasonable opportunity to comment on
13 the application;

14 “(III) provide to the public an oppor-
15 tunity for a public hearing on the applica-
16 tion; and

17 “(IV) determine whether the applica-
18 tion meets the requirements of subpara-
19 graph (B).

20 “(ii) If the Administrator determines that
21 an application does not meet the requirements
22 of subparagraph (B), the Administrator shall—

23 “(I) notify the applicant that the ap-
24 plication is disapproved and explain the
25 reasons for the disapproval; and

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

3 “(iii) If the Administrator determines that
4 an application meets the requirements of sub-
5 paragraph (B), the Administrator shall notify
6 the applicant that the application is accepted.

7 “(D) ISSUANCE.—(i) After notice and op-
8 portunity for public comment on a permit pro-
9 posed to be issued, including any additional re-
10 quirements that the Administrator determines
11 would facilitate implementation of this sub-
12 section, the Administrator may issue an aban-
13 doned or inactive mined land waste remediation
14 permit to the applicant if the Administrator de-
15 termines that—

16 “(I) relative to the resources available
17 to the remediating party for the proposed
18 remediation activity, the remediating party
19 has made a reasonable effort to identify
20 persons under subparagraph (B)(vi);

21 “(II) no identifiable owner or operator
22 exists; and

23 “(III) the remediation plan dem-
24 onstrates with reasonable certainty that
25 the implementation of the plan will meet

1 applicable water quality standards to the
2 maximum extent practicable, but in no cir-
3 cumstances below baseline water condition
4 as described pursuant to section
5 4(q)(3)(B)(iv), taking into consideration
6 the resources available to the remediating
7 party for the proposed remediation activ-
8 ity.

9 “(ii) If the Administrator decides not to
10 issue an abandoned or inactive mined land
11 waste remediation permit to the applicant, the
12 Administrator shall notify the applicant of the
13 reasons for not issuing the permit.

14 “(E) MODIFICATION.—(i) Not later than
15 120 days after the receipt of a written request
16 by a permittee, the Administrator shall approve
17 or disapprove a modification of a permit.

18 “(ii) A permit modification approved by
19 the Administrator under this subsection shall
20 be—

21 “(I) by agreement of the permittee
22 and the Administrator;

23 “(II) with the concurrence of any ap-
24 plicable State or Indian tribe;

1 “(III) after providing the public notice
2 of, and opportunity for comment and a
3 hearing on, a proposed modification of a
4 permit;

5 “(IV) in accordance with the stand-
6 ards in subparagraph (D)(i)(III); and

7 “(V) immediately reflected in and ap-
8 plicable to the remediation permit.

9 “(4) CONTENTS OF PERMIT.—

10 “(A) IN GENERAL.—A permit—

11 “(i) shall include a remediation plan
12 approved by the Administrator and any ad-
13 ditional requirements that the Adminis-
14 trator establishes under paragraph (9);
15 and

16 “(ii) shall provide for compliance with
17 and implementation of the remediation
18 plan and any other requirements described
19 under clause (i).

20 “(B) REVIEW.—A permit shall establish a
21 schedule for review, by the Administrator, of
22 compliance with the conditions and limitations
23 of the permit. The Administration shall inspect
24 each site subject to a remediation permit at
25 least annually.

1 “(C) COMPLIANCE WITH OTHER LIMITA-
2 TIONS.—A permit shall require the remediating
3 party to comply with any other subsection of
4 this section and with sections 301 or 302 to the
5 maximum extent practicable.

6 “(D) COMMERCIAL USE OR SALE.—A per-
7 mit shall not authorize any discharge associated
8 with the extraction, processing, beneficiation, or
9 removal of minerals for purposes of commercial
10 use or sale.

11 “(5) FAILURE TO COMPLY.—Failure of a reme-
12 diating party operating under an approved permit to
13 comply with any condition or limit of the permit re-
14 lated to water quality shall be considered a violation
15 of an effluent standard or limitation for the pur-
16 poses of sections 309 and 505 of this Act.

17 “(6) TERMINATION.—

18 “(A) IN GENERAL.—The Administrator
19 shall terminate a permit if—

20 “(i) the remediating party successfully
21 completes the implementation of the reme-
22 diation plan; or

23 “(ii) the discharges covered by the
24 permit—

1 “(I) become subject to a permit
2 issued under the other subsections of
3 this section for development that is
4 not part of the implementation of the
5 remediation plan; and

6 “(II) the remediating party seek-
7 ing termination of coverage is not a
8 participant in the development.

9 “(B) UNFORESEEN CONDITION.—The Ad-
10 ministrator shall terminate a permit if—

11 “(i) an event or condition is encoun-
12 tered that could not have been con-
13 templated or designed for by the remedi-
14 ation plan and is beyond the control of the
15 remediating party; and

16 “(ii) the Administrator determines
17 that remediation activities under the per-
18 mit have not resulted in surface water
19 quality conditions due to remediation ac-
20 tivities at the site, taken as a whole and
21 with reference to the designated uses of
22 the waters, that are below the baseline
23 water condition as described pursuant to
24 section 4(q)(3)(B)(iv).

1 “(C) NO ENFORCEMENT LIABILITY.—If a
2 permit is terminated under subparagraph (A),
3 the remediating party shall not be subject to
4 enforcement under section 309 or 505 for any
5 remaining discharges from the abandoned or in-
6 active mined land described in the permit.

7 “(7) LIMITATIONS.—

8 “(A) EMERGENCY POWERS.—Nothing in
9 this subsection limits the authority of the Ad-
10 ministrators under section 504.

11 “(B) PRIOR VIOLATIONS.—(i) Nothing in
12 this subsection precludes actions under section
13 309 or 505 or affects the relief available in ac-
14 tions under those sections, with respect to viola-
15 tions of this section, or sections 301(a) or 302,
16 that occurred prior to the issuance of a permit
17 under this subsection.

18 “(ii) If a permit covers remediation activi-
19 ties implemented by the permit holder prior to
20 the issuance of the permit, clause (i) shall not
21 apply to an action that is based on conditions
22 resulting from those remediation activities.

23 “(C) OBLIGATION OF STATES AND INDIAN
24 TRIBES.—Except as expressly provided, nothing

1 in this subsection limits any obligation of a
2 State or Indian tribe under section 303.

3 “(D) OTHER DEVELOPMENT.—Any devel-
4 opment of abandoned or inactive mined land
5 (including mineral exploration, processing,
6 beneficiation, or mining) not specifically de-
7 scribed in a permit issued by the Administrator
8 under this subsection shall be subject to this
9 Act (other than this subsection). The commin-
10 gling of any other discharges or waters with the
11 discharges or waters subject to the remediation
12 permit cannot limit or reduce the liability of
13 persons associated with the other waters or dis-
14 charges.

15 “(8) LIABILITY OF OTHER PARTIES.—Nothing
16 in this subsection, including any result caused by
17 any action taken by the remediating party, limits the
18 liability of any person other than the remediating
19 party, under this Act or any other law.

20 “(9) REGULATIONS.—Not later than 1 year
21 after the date of enactment of this subsection, the
22 Administrator, in consultation with State, tribal, and
23 local officials and after providing the public with no-
24 tice of, and opportunity for comment and a hearing
25 on, regulations proposed to be promulgated, shall

1 promulgate regulations establishing generally appli-
2 cable requirements for—

3 “(A) remediation plans described in para-
4 graph (3)(B); and

5 “(B) as considered to be necessary by the
6 Administrator, other paragraphs of this sub-
7 section.

8 “(10) FUNDING.—Implementation of a remedi-
9 ation plan under a permit issued under this sub-
10 section shall be eligible for grants under section
11 319(h).

12 “(11) REPORT.—

13 “(A) IN GENERAL.—Not later than 1 year
14 before the date of the termination of permitting
15 authority specified in paragraph (12), the Ad-
16 ministrator shall submit to Congress a report
17 on the activities authorized by this subsection.

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

20 “(i) identify each permit, and associ-
21 ated remediating party, issued under this
22 subsection;

23 “(ii) identify the abandoned or inac-
24 tive mine land addressed by each permit
25 (including the waterbodies and baseline

1 water quality of the waterbodies affected
2 by the land);

3 “(iii) summarize the remediation plan
4 associated with each permit issued under
5 this subsection, including—

6 “(I) the goals and objectives of
7 the plan;

8 “(II) the plan budget; and

9 “(III) the practices to be em-
10 ployed according to the plan to re-
11 duce, control, mitigate, or eliminate
12 adverse water quality impacts;

13 “(iv) identify the status of the imple-
14 mentation of each remediation plan associ-
15 ated with each permit issued under this
16 subsection (including specific progress that
17 permitted remediation activities have made
18 toward achieving the goals and objectives
19 of the remediation plan);

20 “(v) identify and describe any enforce-
21 ment action taken by the Administrator or
22 any civil action brought by a citizen con-
23 cerning a permit issued under this section
24 (including the disposition of the legal ac-
25 tion); and

1 “(vi) include recommendations by the
2 Administrator for any modifications to this
3 subsection, or the regulations promulgated
4 under paragraph (9) to implement this
5 subsection, that would facilitate the im-
6 provement of water quality through the re-
7 mediation of abandoned or inactive mined
8 land.

9 “(12) TERMINATION OF PERMITTING AUTHOR-
10 ITY.—The authority granted to the Administrator
11 under this subsection to issue an abandoned or inac-
12 tive mined land waste remediation permit terminates
13 on the date that is 10 years after the date of enact-
14 ment of this subsection.

15 “(13) ELIGIBLE AREAS.—

16 “(A) SITES.—Permits under this sub-
17 section shall be issued only for remediation ac-
18 tivities at sites that were but no longer are ac-
19 tively mined for hardrock minerals (and not in
20 temporary shutdown) as of the date of enact-
21 ment of this subsection and that are located in
22 States that include lands subject to the general
23 mining laws.

24 “(B) DEFINITIONS.—For purposes of this
25 paragraph:

1 “(i) The term ‘hardrock minerals’
2 means any mineral other than a mineral
3 that would be subject to any of the fol-
4 lowing if located on land subject to the
5 general mining laws:

6 “(I) The Mineral Leasing Act
7 (30 U.S.C. 181 and following).

8 “(II) The Geothermal Steam Act
9 of 1970 (30 U.S.C. 100 and fol-
10 lowing).

11 “(III) The Act of July 31, 1947,
12 commonly known as the Materials Act
13 of 1947 (30 U.S.C. 601 and fol-
14 lowing).

15 “(IV) The Mineral Leasing Act
16 for Acquired Lands (30 U.S.C. 351
17 and following).

18 “(ii) The term ‘general mining laws’
19 means those Acts which generally comprise
20 chapters 2, 12A, and 16 and sections 161
21 and 162 of title 30, United States Code.”.

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