Good Samaritan Remediation of Abandoned Hardrock Mines: U.S. EPA Public Notices Okanogan County, Washington Reclamation Project



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The United States Environmental Protection Agency ("EPA") has issued a notice in the July 16th Federal Register that Trout Unlimited Inc. ("Trout") has applied for a Good Samaritan Remediation permit pursuant to the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 ("Act"). See Fed. Reg. 43630.

EPA states that it has preliminarily determined that the application is complete and meets all requirements of the Act.

The stated Congressional intent in establishing the Act was to permit eligible persons or entities to undertake appropriate remediation projects without taking on Comprehensive Environmental Response, Compensation, and Liability Act and/or Clean Water Act liability. A Good Samaritan permitholder is exempt from obtaining certain authorizations, permits, and licenses for the project while operating within the terms of the permit.

To obtain a permit, the proposed activities (as compared to the baseline conditions described in the permit) must be designed to make measurable progress toward achieving:

- Applicable water quality standards.
- Improved soil quality.
- Improved sediment quality.
- Other improved environmental or safety conditions, or reductions in the threats to soil, sediment, or water quality or other environmental or safety conditions.

The 2024 Act allows EPA to issue up to 15 Good Samaritan permits.

Requirements to be eligible include conditions such as:

- Be located on a portion of an abandoned hardrock mine site in which the historic mine residue is located;
- Had no role in the creation of the historic mine residue; and,
- Is not potentially liable under federal, state, Tribal, or local law for the remediation, treatment, or control of the historic mine residue.

The permit application EPA is currently considering is for the Bodie Mine Good Samaritan reclamation project in Okanogan County, Washington. The proposed activities are described as excavating and

removing up to 790 tons of contaminated soil from the streambank and contaminated sediments from the streambed along 400 linear feet of Toroda Creek. It is further noted that:

… After the contaminated soil and sediment are removed, the streambank will be reconstructed and stabilized using coir lifts, riprap and native revegetation techniques that will minimize the possibility for future erosion.

The proposed activity is estimated to eliminate approximately 104 tons of contaminated tailing deposits from eroding into Toroda Creek each year.

A copy of the Federal Register notice can be found here.