

# Good Samaritan Legislation

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# Full Treatment Infeasible

- Under the Clean Water Act (CWA), mine discharges should be permitted as point-sources of pollution which would require full treatment.
- Full treatment is infeasible in many locations because of lack of year-round access, power, or level terrain.
- Generally no financially viable, responsible party to pay for treatment.

# Potential Good Samaritan Liability

- A non-responsible third-party may be willing to conduct inexpensive, partial treatment.
- Could be liable for a permit that would require full treatment.
- Even if an agreement reached with regulatory agencies, the Good Samaritan may be forced into expensive, full treatment, in perpetuity, by a citizen suit.

# Potential Solutions

- Amend the Clean Water Act (CWA)
- Stand alone permit legislation.
- Amend CERCLA

# Amend CWA

- Amendment would create a new type of point-source discharge permit for Good Samaritans at Orphan Mine sites to allow for partial treatment.
- Orphan Mine site has no financially viable, responsible party.
- A Good Samaritan could have no potential liability with regards to the site.
- Concerns of opening CWA through amendments.

# Stand Alone Permit Legislation

- Would create a special permit for Good Samaritan cleanups that may provide liability coverage under a number of environmental statutes.
- Permit would remain with the site and not be terminated.
- Concerns that protections are too broad.

# Amend CERCLA

- Would give Good Samaritans protection from CWA liability through CERCLA.
- Would take definitions about Good Samaritans and Orphan Mine sites that are in EPA guidance and put them into statute.
- Would provide CWA protection after the CERCLA action is completed.