

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0574.01 Thomas Morris

HOUSE BILL 08-1161

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A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE REGULATORY AUTHORITY OF THE**
102 **MINED LAND RECLAMATION BOARD OVER MINING, AND, IN**
103 **CONNECTION THEREWITH, ENSURING THE PROTECTION OF**
104 **GROUND WATER AND PUBLIC HEALTH, AND MAKING AN**
105 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines "in situ mining" and "in situ leach mining". Requires the reclamation of lands affected by in situ leach mining. Specifies that uranium mining is a type of designated mining operation. Requires all in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 31, 2008

HOUSE
Amended 2nd Reading
March 28, 2008

situ leach mining of uranium to restore all affected ground water to its premining quality for all constituents. In the case of in situ leach mining, requires restoration of ground water to begin immediately upon any cessation of extraction or production. Requires all operators to reclaim all affected surface and ground water. Requires applicants for in situ leach mining permits to notify the owners of record of lands within 3 miles of the affected land.

Requires the mined land reclamation board (board) to:

- ! Require, as a condition of permit issuance, that the applicant for an in situ leach mining operation pay for an initial site characterization and ongoing monitoring of the affected land and affected surface and ground water;
- ! Deny a permit if the applicant fails to demonstrate that reclamation can and will be accomplished; and
- ! Deny a permit for in situ leach mining unless the applicant submits competent evidence of at least 5 similar mining operations that did not result in ground water contamination.

Authorizes the board to deny a permit:

- ! Based on uncertainty about the feasibility of reclamation;
- ! If the existing or reasonably foreseeable potential future uses of the affected ground water include domestic or agricultural uses;
- ! If the applicant has previously violated the reclamation laws and any violation remains unabated; or
- ! If the applicant has demonstrated a pattern of willful violations of environmental protection requirements.

Requires notification to the office of mined land reclamation of any failure or imminent failure of certain listed mining structures within 24 hours after such failure or the discovery of an imminent failure. Expands the list of such mining structures.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 34-32-103 (3.5) and (8), Colorado Revised Statutes,
3 are amended, and the said 34-32-103 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **34-32-103. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (3.5) (a) "Designated mining operation" means a mining operation

1 at which:

2 (I) Toxic or acidic chemicals used in extractive metallurgical
3 processing are present on site; or

4 (II) Acid- or toxic-forming materials will be exposed or disturbed
5 as a result of mining operations; OR

6 (III) URANIUM IS DEVELOPED OR EXTRACTED, EITHER BY IN SITU
7 LEACH MINING OR BY CONVENTIONAL UNDERGROUND OR OPEN MINING
8 TECHNIQUES. A URANIUM MINING OPERATION MAY SEEK AN EXEMPTION
9 FROM DESIGNATED MINING OPERATION STATUS IN ACCORDANCE WITH
10 SECTION 34-32-112.5 (2).

11 (b) The various types of designated mining operations are
12 identified in section 34-32-112.5. EXCEPT AS PROVIDED IN
13 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3), such
14 mining operations exclude operations ~~which~~ THAT do not use toxic or
15 acidic chemicals in processing for purposes of extractive metallurgy and
16 ~~which~~ THAT will not cause acid mine drainage.

17 (5.7) "IN SITU LEACH MINING" MEANS IN SITU MINING FOR
18 URANIUM THROUGH THE IN-PLACE DISSOLUTION OF MINERAL COMPONENTS
19 OF AN ORE DEPOSIT BY CAUSING A CHEMICAL LEACHING SOLUTION,
20 USUALLY AQUEOUS, TO PENETRATE OR TO BE PUMPED DOWN WELLS
21 THROUGH THE ORE BODY AND THEN REMOVING THE MINERAL-CONTAINING
22 SOLUTION FOR DEVELOPMENT OR EXTRACTION OF THE MINERAL VALUES.

23 (5.8) "IN SITU MINING" MEANS THE IN-PLACE DEVELOPMENT OR
24 EXTRACTION OF A MINERAL BY MEANS OTHER THAN OPEN MINING OR
25 UNDERGROUND MINING.

26 (8) "Mining operation" means the development or extraction of a
27 mineral from its natural occurrences on affected land. The term "MINING

1 OPERATION" includes, but is not limited to, open mining, and IN SITU
2 MINING, IN SITU LEACH MINING, surface operation OPERATIONS, and the
3 disposal of refuse from underground and MINING, in situ mining, AND IN
4 SITU LEACH MINING. The term "MINING OPERATION" ALSO includes the
5 following operations on affected lands: Transportation; concentrating;
6 milling; evaporation; and other processing. The term "MINING
7 OPERATION" does not include: The exploration and extraction of natural
8 petroleum in a liquid or gaseous state by means of wells or pipe; the
9 development or extraction of coal; the extraction of geothermal resources;
10 smelting, refining, cleaning, preparation, transportation, and other off-site
11 operations not conducted on affected land; OR THE EXTRACTION OF
12 CONSTRUCTION MATERIAL WHERE THERE IS NO DEVELOPMENT OR
13 EXTRACTION OF ANY MINERAL.

14 **SECTION 2.** The introductory portion to 34-32-110 (2) (a),
15 Colorado Revised Statutes, is amended to read:

16 **34-32-110. Limited impact operations - expedited process.**

17 (2) (a) Any person desiring to conduct mining operations on less than ten
18 acres, which mining operations will result in the extraction of less than
19 seventy thousand tons of mineral or overburden per calendar year, prior
20 to commencement of mining, shall file with the office, on a form
21 approved by the board, an application for a permit to conduct mining
22 operations; EXCEPT THAT APPLICATIONS FOR IN SITU LEACH MINING SHALL
23 BE FILED PURSUANT TO SECTION 34-32-112.5 (3) (d). This application
24 shall contain the following:

25 **SECTION 3.** 34-32-112 (2), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF THE FOLLOWING NEW
27 PARAGRAPHS to read:

1 **34-32-112. Application for reclamation permit - changes in**
2 **permits - fees - notice.** (2) The application forms shall state:

3 (i) FOR IN SITU LEACH MINING OPERATIONS, A CERTIFICATION BY
4 THE APPLICANT THAT NO VIOLATIONS EXIST AS DESCRIBED IN SECTION
5 34-32-115 (5) (d). IF THE APPLICANT IS NOT ABLE TO SO CERTIFY, THE
6 APPLICANT SHALL DESCRIBE THE CIRCUMSTANCES AS MAY BE RELEVANT
7 TO SECTION 34-32-115 (5) (d) AND PROVIDE THE BOARD OR OFFICE ANY
8 ADDITIONAL INFORMATION REASONABLY REQUESTED REGARDING ANY
9 SUCH CIRCUMSTANCES.

10 (j) FOR IN SITU LEACH MINING OPERATIONS, A DESCRIPTION OF AT
11 LEAST FIVE IN SITU LEACH MINING OPERATIONS THAT DEMONSTRATES THE
12 ABILITY OF THE APPLICANT TO CONDUCT THE PROPOSED MINING
13 OPERATION WITHOUT ANY LEAKAGE, VERTICAL OR LATERAL MIGRATION,
14 OR EXCURSION OF ANY LEACHING SOLUTIONS OR
15 GROUND-WATER-CONTAINING MINERALS, RADIONUCLIDES, OR OTHER
16 CONSTITUENTS MOBILIZED, LIBERATED, OR INTRODUCED BY THE IN SITU
17 LEACH MINING PROCESS INTO ANY GROUND WATER OUTSIDE OF THE
18 PERMITTED IN SITU LEACH MINING AREA.

19 **SECTION 4.** 34-32-112 (10) (c), Colorado Revised Statutes, is
20 amended to read:

21 **34-32-112. Application for reclamation permit - changes in**
22 **permits - fees - notice.** (10) (c) In addition, the applicant shall mail a
23 copy of such notice immediately after first publication to all owners of
24 record of the surface rights of the affected land, to the owners of record
25 of immediately adjacent lands, TO THE OWNERS OF RECORD OF LANDS
26 WITHIN THREE MILES OF AFFECTED LAND FOR IN SITU LEACH MINING
27 OPERATIONS, and to any other persons who are owners of record that may

1 be designated by the board that might be affected by the proposed mining
2 operation. Proof of such notice and mailing, such as certified mail with
3 return receipt requested where possible, shall be provided to the board or
4 the office and become part of the application.

5 **SECTION 5.** 34-32-112.5, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 **34-32-112.5. Designated mining operation - rules.** (5) (a) AN
8 APPLICATION FOR AN IN SITU LEACH MINING OPERATION SHALL INCLUDE
9 A BASELINE SITE CHARACTERIZATION AND A PLAN FOR ONGOING
10 MONITORING OF THE AFFECTED LAND AND AFFECTED SURFACE AND
11 GROUND WATER. PRIOR TO SUBMITTING AN APPLICATION, THE
12 PROSPECTIVE APPLICANT SHALL CONFER WITH THE OFFICE CONCERNING
13 THE BASELINE CHARACTERIZATION AND PLAN FOR ONGOING MONITORING
14 OF THE AFFECTED LAND AND AFFECTED SURFACE AND GROUND WATER.
15 THE BOARD OR THE OFFICE MAY RETAIN AN INDEPENDENT THIRD-PARTY
16 PROFESSIONAL EXPERT TO OVERSEE BASELINE SITE CHARACTERIZATION,
17 MONITOR FIELD OPERATIONS, OR REVIEW ANY PORTION OF THE
18 INFORMATION COLLECTED, DEVELOPED, OR SUBMITTED BY AN APPLICANT
19 OR PROSPECTIVE APPLICANT PURSUANT TO THIS SUBSECTION (5). THE
20 PROSPECTIVE APPLICANT SHALL PAY THE REASONABLE COSTS INCURRED
21 BY THE BOARD OR OFFICE AND THE EXPERT SELECTED BY THE BOARD OR
22 OFFICE; EXCEPT THAT THE BOARD OR OFFICE SHALL DEFINE THE SCOPE OF
23 WORK TO BE ACCOMPLISHED BY THE EXPERT AND SHALL REVIEW AND
24 APPROVE ALL INVOICES TO BE PAID BY THE PROSPECTIVE APPLICANT. THE
25 PROSPECTIVE APPLICANT MAY OBJECT TO THE SELECTION OF ANY SUCH
26 EXPERT IF THE PROSPECTIVE APPLICANT HAS KNOWLEDGE OR
27 INFORMATION THAT THE EXPERT LACKS THE PROFESSIONAL

1 QUALIFICATIONS TO ACCOMPLISH THE SCOPE OF WORK, HAS A CONFLICT OF
2 INTEREST WITH THE PROSPECTIVE APPLICANT OR THE PROJECT THAT WILL
3 BE THE SUBJECT OF THE APPLICATION, OR HAS A BIAS THAT COULD
4 INFLUENCE THE OBJECTIVITY OF THE WORK TO BE ACCOMPLISHED. IF THE
5 BOARD OR OFFICE CONCURS WITH THE PROSPECTIVE APPLICANT, A NEW
6 EXPERT SHALL BE SELECTED BY THE BOARD OR OFFICE.

7 (b) PRIOR TO SUBMITTING AN APPLICATION, A PROSPECTIVE
8 APPLICANT FOR IN SITU LEACH MINING SHALL DESIGN AND CONDUCT A
9 SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND
10 ENVIRONMENTAL BASELINE CHARACTERIZATION AND MONITORING PLAN
11 FOR THE PROPOSED MINING OPERATION. THIS PLAN SHALL BE DESIGNED IN
12 SUCH A MANNER AS TO:

- 13 (I) THOROUGHLY CHARACTERIZE PREMINING SITE CONDITIONS;
- 14 (II) DETECT ANY SUBSURFACE EXCURSIONS OF CHEMICALS USED
15 IN OR MOBILIZED BY IN SITU LEACH MINING DURING THE MINING
16 OPERATIONS; AND
- 17 (III) EVALUATE THE EFFECTIVENESS OF POSTMINING RECLAMATION
18 AND GROUND WATER RECLAMATION PLANS.

19 (c) THE DESIGN AND OPERATION OF THE BASELINE
20 CHARACTERIZATION AND MONITORING PLAN FOR IN SITU LEACH MINING,
21 TOGETHER WITH ALL INFORMATION COLLECTED IN ACCORDANCE WITH THE
22 PLAN, SHALL BE A MATTER OF PUBLIC RECORD REGARDLESS OF WHETHER
23 SUCH ACTIVITIES ARE CONDUCTED PURSUANT TO A NOTICE OF INTENT TO
24 CONDUCT PROSPECTING OPERATIONS UNDER SECTION 34-32-113.

25 (d) (I) NOTWITHSTANDING SECTION 34-32-103 (6), IN THE CASE OF
26 IN SITU LEACH MINING, RECLAMATION OF GROUND WATER SHALL BEGIN
27 IMMEDIATELY UPON CESSATION OF PRODUCTION OPERATIONS IN

1 ACCORDANCE WITH THE RECLAMATION PLAN APPROVED BY THE BOARD.
2 (II) IF THE OPERATOR PLANS TO CEASE OPERATION ON A
3 TEMPORARY BASIS, THE OPERATOR SHALL NOTIFY THE BOARD AT LEAST
4 THIRTY DAYS PRIOR TO SUCH TEMPORARY CESSATION SETTING FORTH
5 BOTH THE REASONS FOR THE TEMPORARY CESSATION AND THE EXPECTED
6 DURATION OF THE TEMPORARY CESSATION. THE OPERATOR SHALL
7 MAINTAIN A GROUND WATER MONITORING AND PUMPING REGIME
8 SATISFACTORY TO THE BOARD DURING ANY PERIOD OF TEMPORARY
9 CESSATION OF OPERATIONS. IF, IN THE JUDGMENT OF THE BOARD, THE
10 EXPECTED DURATION OF ANY TEMPORARY CESSATION WILL BE OF SUCH
11 LENGTH THAT THE BOARD BELIEVES THAT GROUND WATER RECLAMATION
12 SHOULD COMMENCE, IT SHALL SO ORDER.

13 SECTION 6. 34-32-115 (2), Colorado Revised Statutes, is
14 amended, and the said 34-32-115 is further amended BY THE
15 ADDITION OF A NEW SUBSECTION, to read:

16 **34-32-115. Action by board - appeals.** (2) Prior to the holding
17 of any such hearing, the board or the office shall provide notice to any
18 person previously filing a protest or petition for a hearing or statement in
19 support of an application pursuant to section 34-32-114 and shall publish
20 notice of the time, date, and location of the hearing in a newspaper of
21 general circulation in the locality of the proposed mining operation once
22 a week for two consecutive weeks immediately prior to the hearing. The
23 hearing shall be conducted as a proceeding pursuant to article 4 of title
24 24, C.R.S. A final decision on the application shall be made within one
25 hundred twenty days of AFTER the receipt of the application. In the event
26 of complex applications, serious unforeseen circumstances, or significant
27 snow cover on the affected land that prevents a necessary on-site

1 inspection, the board or the office may reasonably extend the maximum
2 time sixty days. IN THE EVENT OF IN SITU LEACH MINING OPERATIONS, A
3 FINAL DECISION ON THE APPLICATION WILL BE MADE WITHIN TWO
4 HUNDRED FORTY DAYS.

5 (5) (a) THE BOARD OR THE OFFICE MAY DENY A PERMIT FOR IN SITU
6 LEACH MINING OPERATIONS BASED ON UNCERTAINTY ABOUT THE
7 FEASIBILITY OF RECLAMATION AND SHALL DENY SUCH A PERMIT IF THE
8 APPLICANT FAILS TO DEMONSTRATE THAT RECLAMATION CAN AND WILL
9 BE ACCOMPLISHED IN COMPLIANCE WITH THIS ARTICLE, INCLUDING THE
10 PROTECTION OF GROUND WATER AND OTHER ENVIRONMENTAL RESOURCES
11 AND HUMAN HEALTH.

12 (b) THE BOARD OR THE OFFICE SHALL DENY A PERMIT FOR IN SITU
13 LEACH MINING IF THE APPLICANT FAILS TO DEMONSTRATE BY
14 SUBSTANTIAL EVIDENCE THAT IT WILL RECLAIM ALL AFFECTED GROUND
15 WATER FOR ALL WATER QUALITY PARAMETERS TO EITHER OF THE
16 FOLLOWING:

17 (I) PREMINING BASELINE WATER QUALITY OR BETTER, AS
18 ESTABLISHED BY THE BASELINE SITE CHARACTERIZATION CONDUCTED
19 PURSUANT TO SECTION 34-32-112.5 (5); OR

20 (II) THAT QUALITY WHICH MEETS THE STATEWIDE RADIOACTIVE
21 MATERIALS STANDARDS AND THE MOST STRINGENT CRITERIA SET FORTH
22 IN TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR GROUND WATER AS
23 ESTABLISHED BY THE COLORADO WATER QUALITY CONTROL COMMISSION.

24 (c) THE BOARD OR THE OFFICE MAY DENY A PERMIT FOR IN SITU
25 LEACH MINING IF THE EXISTING OR REASONABLY FORESEEABLE POTENTIAL
26 FUTURE USES FOR ANY POTENTIALLY AFFECTED GROUND WATER,
27 WHETHER CLASSIFIED OR UNCLASSIFIED PURSUANT TO SECTION 25-8-203,

1 C.R.S., INCLUDES DOMESTIC OR AGRICULTURAL USES, AND THE BOARD
2 DETERMINES THE IN SITU LEACH MINING WILL ADVERSELY AFFECT THE
3 SUITABILITY OF THE GROUNDWATER FOR SUCH USES.

4 (d) THE BOARD OR THE OFFICE MAY DENY OR REVOKE A PERMIT
5 FOR IN SITU LEACH MINING IF:

6 (I) THE APPLICANT, AN AFFILIATE, OFFICER, OR DIRECTOR OF THE
7 APPLICANT, THE OPERATOR, OR CLAIM HOLDER HAS DEMONSTRATED A
8 PATTERN OF WILLFUL VIOLATIONS OF THE ENVIRONMENTAL PROTECTION
9 REQUIREMENTS OF THIS ARTICLE, RULES PROMULGATED PURSUANT TO THIS
10 ARTICLE, A PERMIT ISSUED PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS
11 LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE, THE UNITED STATES,
12 OR A FOREIGN JURISDICTION AS DISCLOSED IN THE APPLICATION PURSUANT
13 TO SECTION 34-32-112 (2) (i);

14 (II) (A) EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS
15 SUBPARAGRAPH (II), THE APPLICANT OR ANY AFFILIATE, OFFICER, OR
16 DIRECTOR OF THE APPLICANT HAS PREVIOUSLY VIOLATED THIS ARTICLE,
17 RULES PROMULGATED PURSUANT TO THIS ARTICLE, A PERMIT ISSUED
18 PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS LAW, RULE, OR PERMIT
19 ISSUED BY ANOTHER STATE, THE UNITED STATES, OR A FOREIGN
20 JURISDICTION AS DISCLOSED IN THE APPLICATION PURSUANT TO SECTION
21 34-32-112 (2) (i).

22 (B) THE BOARD OR OFFICE MAY ISSUE OR REINSTATE A PERMIT IF
23 THE APPLICANT SUBMITS PROOF THAT THE VIOLATION REFERRED TO IN
24 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) HAS BEEN
25 CORRECTED OR MAY CONDITIONALLY ISSUE OR REINSTATE A PERMIT IF THE
26 VIOLATION IS IN THE PROCESS OF BEING CORRECTED TO THE SATISFACTION
27 OF THE BOARD OR IF THE APPLICANT SUBMITS PROOF THAT THE APPLICANT

1 HAS FILED AND IS PRESENTLY PURSUING A DIRECT ADMINISTRATIVE OR
2 JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE ALLEGED VIOLATION.
3 FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), A DIRECT
4 ADMINISTRATIVE OR JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE
5 ALLEGED VIOLATION SHALL NOT INCLUDE AN APPEAL OF AN APPLICANT'S
6 RELATIONSHIP TO AN AFFILIATE. IF THE VIOLATION IS NOT SUCCESSFULLY
7 ABATED OR IF THE VIOLATION IS UPHELD ON APPEAL, THE BOARD OR
8 OFFICE SHALL REVOKE OR DENY THE CONDITIONAL PERMIT ISSUED OR
9 REINSTATED PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

10 **SECTION 7.** The introductory portion to 34-32-116 (7) (q) and
11 34-32-116 (7) (q) (III), Colorado Revised Statutes, are amended, and the
12 said 34-32-116 is further amended BY THE ADDITION OF THE
13 FOLLOWING NEW SUBSECTIONS, to read:

14 **34-32-116. Duties of operators - reclamation plans.**
15 (7) Reclamation plans and the implementation thereof shall conform to
16 the following general requirements:

17 (q) All reclamation provided for in this section shall be carried to
18 completion by the operator with all reasonable diligence and shall be
19 conducted concurrently with mining operations to the extent practicable,
20 taking into consideration the mine plan, mine safety, economics, the
21 availability of equipment and material, and other site-specific conditions
22 relevant and unique to the affected land and to the postmining land use.
23 Upon termination of the entire mining operation and in accordance with
24 the reclamation plan, each phase of final reclamation shall be completed
25 ~~prior to the expiration of~~ WITHIN five years after the date on which the
26 operator advises the board that such phase has commenced, unless such
27 period is extended by the board pursuant to section 34-32-112 (7); except

1 that:

2 (III) (A) With the approval of the board and the owner of the land
3 to be reclaimed, the operator may substitute land previously mined and
4 owned by the operator not otherwise subject to reclamation under this
5 article or, in the alternative, with the approval of the board and the owner
6 of the land, reclamation of an equal number of acres of any lands
7 previously mined but not owned by the operator if the operator has not
8 previously abandoned unreclaimed mining lands. The board also has
9 authority to grant, in the alternative, the reclamation of lesser or greater
10 acreage so long as the cost of reclaiming such acreage is at least
11 equivalent to the cost of reclaiming the original permit lands. If any area
12 is so substituted, the operator shall submit a map of the substituted area,
13 which map shall conform to all of the requirements with respect to other
14 maps required by this article. Upon completion of reclamation of the
15 substituted land, the operator shall be relieved of all obligations under this
16 article with respect to the land for which substitution has been permitted.

17 (B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL
18 NOT APPLY TO URANIUM OR IN SITU LEACH MINING.

19 (8) ALL URANIUM EXTRACTION OPERATIONS USING IN SITU LEACH
20 MINING OR RECOVERY METHODS, INCLUDING ANY INJECTION OF ANY
21 CHEMICALS DESIGNED TO MOBILIZE URANIUM RESOURCES, SHALL RECLAIM
22 ALL AFFECTED GROUND WATER FOR ALL WATER QUALITY PARAMETERS TO
23 EITHER OF THE FOLLOWING:

24 (I) PREMINING BASELINE WATER QUALITY OR BETTER AS
25 ESTABLISHED BY THE BASELINE SITE CHARACTERIZATION CONDUCTED
26 PURSUANT TO SECTION 34-32-112.5 (5); OR

27 (II) THAT QUALITY WHICH MEETS THE STATEWIDE RADIOACTIVE

1 MATERIALS STANDARDS AND THE MOST STRINGENT CRITERIA SET FORTH
2 IN TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR GROUND WATER AS
3 ESTABLISHED BY THE COLORADO WATER QUALITY CONTROL COMMISSION.
4 IN ESTABLISHING, DESIGNING, AND IMPLEMENTING A GROUND WATER
5 RECLAMATION PLAN, THE MINE OPERATOR SHALL USE BEST AVAILABLE
6 TECHNOLOGY.

7 (9) OPERATORS OF IN SITU LEACH MINING OPERATIONS SHALL TAKE
8 ALL NECESSARY STEPS TO PREVENT AND REMEDIATE ANY DEGRADATION
9 OF PRE-EXISTING GROUND WATER USES DURING THE PROSPECTING,
10 DEVELOPMENT, EXTRACTION, AND RECLAMATION PHASES OF THE
11 OPERATION.

12 **SECTION 8.** 34-32-121.5, Colorado Revised Statutes, is
13 amended to read:

14 **34-32-121.5. Reporting certain conditions.** Any person engaged
15 in any A mining operation shall notify the office of any failure or
16 imminent failure as soon as reasonably practicable after such person has
17 knowledge of such condition, BUT FOR IN SITU LEACH MINING OPERATIONS
18 IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF
19 SUCH FAILURE OR AN IMMINENT FAILURE, of: Any impoundment,
20 embankment, or slope that poses a reasonable potential for danger to any
21 persons or property or to the environment; ANY STRUCTURE FOR IN SITU
22 LEACH MINING OPERATIONS DESIGNED TO DETECT, PREVENT, MINIMIZE, OR
23 MITIGATE ADVERSE IMPACTS ON GROUND WATER; ANY STRUCTURE USED
24 IN CONNECTION WITH IN SITU LEACH MINING DESIGNED TO DETECT,
25 PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH,
26 WILDLIFE, OR THE ENVIRONMENT; or any environmental protection facility
27 designed to contain or control chemicals or waste ~~which~~ THAT are acid-

1 or toxic-forming, as identified in the permit.

2 **SECTION 9. Appropriation.** (1) In addition to any other
3 appropriation, there is hereby appropriated, out of any moneys in the
4 mined land reclamation fund created in section 34-32-127, Colorado
5 Revised Statutes, not otherwise appropriated, to the department of natural
6 resources, for the fiscal year beginning July 1, 2008, the sum of forty-two
7 thousand five hundred forty dollars (\$42,540) cash funds and 0.4 FTE, or
8 so much thereof as may be necessary, for the implementation of this act.

9 (2) In addition to any other appropriation, there is hereby
10 appropriated to the department of law, for the fiscal year beginning July
11 1, 2008, the sum of fourteen thousand four hundred six dollars (\$14,406),
12 or so much thereof as may be necessary, for the provision of legal
13 services to the department of law related to the implementation of this act.
14 Said sum shall be from reappropriated funds received from the
15 department of natural resources out of the appropriation made in
16 subsection (1) of this section.

17 **SECTION 10. Applicability.** This act shall apply to mining
18 applications currently filed or filed on or after the effective date of this act
19 and to mining operations currently permitted or permitted on or after the
20 effective date of this act.

21 **SECTION 11. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.