

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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.

SENATE
3rd Reading Unamended
May 2, 2008

SENATE
Amended 2nd Reading
April 30, 2008

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. THE FACT THAT THE APPLICANT
19 WAS NOT INVOLVED IN ANY OF THE FIVE OPERATIONS SHALL NOT
20 PRECLUDE THE APPLICANT FROM MAKING THE DEMONSTRATION REQUIRED
21 BY THIS PARAGRAPH (j).

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

24 **34-32-112. Application for reclamation permit - changes in**
25 **permits - fees - notice.** (10) (c) In addition, the applicant shall mail a
26 copy of such notice immediately after first publication to all owners of
27 record of the surface rights of the affected land, to the owners of record

1 of immediately adjacent lands, TO THE OWNERS OF RECORD OF LANDS
2 WITHIN THREE MILES OF AFFECTED LAND FOR IN SITU LEACH MINING
3 OPERATIONS, and to any other persons who are owners of record that may
4 be designated by the board that might be affected by the proposed mining
5 operation. Proof of such notice and mailing, such as certified mail with
6 return receipt requested where possible, shall be provided to the board or
7 the office and become part of the application.

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

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

1 PROSPECTIVE APPLICANT MAY OBJECT TO THE SELECTION OF ANY SUCH
2 EXPERT IF THE PROSPECTIVE APPLICANT HAS KNOWLEDGE OR
3 INFORMATION THAT THE EXPERT LACKS THE PROFESSIONAL
4 QUALIFICATIONS TO ACCOMPLISH THE SCOPE OF WORK, HAS A CONFLICT OF
5 INTEREST WITH THE PROSPECTIVE APPLICANT OR THE PROJECT THAT WILL
6 BE THE SUBJECT OF THE APPLICATION, OR HAS A BIAS THAT COULD
7 INFLUENCE THE OBJECTIVITY OF THE WORK TO BE ACCOMPLISHED. IF THE
8 BOARD OR OFFICE CONCURS WITH THE PROSPECTIVE APPLICANT, A NEW
9 EXPERT SHALL BE SELECTED BY THE BOARD OR OFFICE.

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

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

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

1 (d) (I) NOTWITHSTANDING SECTION 34-32-103 (6), IN THE CASE OF
2 IN SITU LEACH MINING, RECLAMATION OF GROUND WATER SHALL BEGIN
3 IN ACCORDANCE WITH THE RECLAMATION PLAN APPROVED BY THE
4 BOARD IMMEDIATELY WHEN EITHER OF THE FOLLOWING OCCUR:

5 (A) DETECTION PURSUANT TO THE BASELINE CHARACTERIZATION
6 AND MONITORING PLAN APPROVED BY THE BOARD OF ANY SUBSURFACE
7 EXCURSION OF GROUND WATER OUTSIDE OF THE AFFECTED LAND
8 CONTAINING CHEMICALS USED IN OR MOBILIZED BY IN SITU LEACH MINING
9 DURING THE MINING OPERATIONS OR GROUND WATER OUTSIDE OF THE
10 AFFECTED LAND THAT OTHERWISE FAILS TO MEET THE STANDARDS
11 ESTABLISHED IN SECTION 34-32-116 (8).

12 (B) CESSATION OF PRODUCTION OPERATIONS.

13 (II) IF THE OPERATOR PLANS TO CEASE OPERATION ON A
14 TEMPORARY BASIS, THE OPERATOR SHALL NOTIFY THE BOARD AT LEAST
15 THIRTY DAYS PRIOR TO SUCH TEMPORARY CESSATION SETTING FORTH
16 BOTH THE REASONS FOR THE TEMPORARY CESSATION AND THE EXPECTED
17 DURATION OF THE TEMPORARY CESSATION. THE OPERATOR SHALL
18 MAINTAIN A GROUND WATER MONITORING AND PUMPING REGIME
19 SATISFACTORY TO THE BOARD DURING ANY PERIOD OF TEMPORARY
20 CESSATION OF OPERATIONS. IF, IN THE JUDGMENT OF THE BOARD, THE
21 EXPECTED DURATION OF ANY TEMPORARY CESSATION WILL BE OF SUCH
22 LENGTH THAT THE BOARD BELIEVES THAT GROUND WATER RECLAMATION
23 SHOULD COMMENCE, IT SHALL SO ORDER.

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

27 **34-32-115. Action by board - appeals.** (2) Prior to the holding

1 of any such hearing, the board or the office shall provide notice to any
2 person previously filing a protest or petition for a hearing or statement in
3 support of an application pursuant to section 34-32-114 and shall publish
4 notice of the time, date, and location of the hearing in a newspaper of
5 general circulation in the locality of the proposed mining operation once
6 a week for two consecutive weeks immediately prior to the hearing. The
7 hearing shall be conducted as a proceeding pursuant to article 4 of title
8 24, C.R.S. A final decision on the application shall be made within one
9 hundred twenty days ~~of~~ AFTER the receipt of the application. In the event
10 of complex applications, serious unforeseen circumstances, or significant
11 snow cover on the affected land that prevents a necessary on-site
12 inspection, the board or the office may reasonably extend the maximum
13 time sixty days. IN THE EVENT OF IN SITU LEACH MINING OPERATIONS, A
14 FINAL DECISION ON THE APPLICATION WILL BE MADE WITHIN TWO
15 HUNDRED FORTY DAYS.

16 (5) (a) THE BOARD OR THE OFFICE MAY DENY A PERMIT FOR IN SITU
17 LEACH MINING OPERATIONS BASED ON SCIENTIFIC OR TECHNICAL
18 UNCERTAINTY ABOUT THE FEASIBILITY OF RECLAMATION AND SHALL DENY
19 SUCH A PERMIT IF THE APPLICANT FAILS TO DEMONSTRATE THAT
20 RECLAMATION CAN AND WILL BE ACCOMPLISHED IN COMPLIANCE WITH
21 THIS ARTICLE, INCLUDING THE PROTECTION OF GROUND WATER AND OTHER
22 ENVIRONMENTAL RESOURCES AND HUMAN HEALTH.

23 (b) THE BOARD OR THE OFFICE SHALL DENY A PERMIT FOR IN SITU
24 LEACH MINING IF THE APPLICANT FAILS TO DEMONSTRATE BY
25 SUBSTANTIAL EVIDENCE THAT IT WILL RECLAIM ALL AFFECTED GROUND
26 WATER FOR ALL WATER QUALITY PARAMETERS THAT ARE SPECIFICALLY
27 IDENTIFIED IN THE BASELINE SITE CHARACTERIZATION, OR IN THE

1 STATEWIDE RADIOACTIVE MATERIALS STANDARDS OR TABLES 1 THROUGH
2 4 OF THE BASIC STANDARDS FOR GROUND WATER AS ESTABLISHED BY THE
3 COLORADO WATER QUALITY CONTROL COMMISSION, TO EITHER OF THE
4 FOLLOWING:

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

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

12 (c) THE BOARD OR THE OFFICE MAY DENY A PERMIT FOR IN SITU
13 LEACH MINING IF THE EXISTING OR REASONABLY FORESEEABLE POTENTIAL
14 FUTURE USES FOR ANY POTENTIALLY AFFECTED GROUND WATER,
15 WHETHER CLASSIFIED OR UNCLASSIFIED PURSUANT TO SECTION 25-8-203,
16 C.R.S., INCLUDES DOMESTIC OR AGRICULTURAL USES, AND THE BOARD
17 DETERMINES THE IN SITU LEACH MINING WILL ADVERSELY AFFECT THE
18 SUITABILITY OF THE GROUNDWATER FOR SUCH USES.

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

21 (I) THE APPLICANT, AN AFFILIATE, OFFICER, OR DIRECTOR OF THE
22 APPLICANT, THE OPERATOR, OR CLAIM HOLDER HAS DEMONSTRATED A
23 PATTERN OF WILLFUL VIOLATIONS OF THE ENVIRONMENTAL PROTECTION
24 REQUIREMENTS OF THIS ARTICLE, RULES PROMULGATED PURSUANT TO THIS
25 ARTICLE, A PERMIT ISSUED PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS
26 LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE OR THE UNITED STATES
27 AS DISCLOSED IN THE APPLICATION PURSUANT TO SECTION 34-32-112 (2)

1 (i);

2 (II) (A) EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS
3 SUBPARAGRAPH (II), THE APPLICANT OR ANY AFFILIATE, OFFICER, OR
4 DIRECTOR OF THE APPLICANT HAS IN THE TEN YEARS PRIOR TO SUBMISSION
5 OF THE APPLICATION VIOLATED THE ENVIRONMENTAL PROTECTION
6 REQUIREMENTS OF THIS ARTICLE, RULES PROMULGATED PURSUANT TO THIS
7 ARTICLE, A PERMIT ISSUED PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS
8 LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE OR THE UNITED STATES
9 AS DISCLOSED IN THE APPLICATION PURSUANT TO SECTION 34-32-112 (2)

10 (i).

11 (B) THE BOARD OR OFFICE MAY ISSUE OR REINSTATE A PERMIT IF
12 THE APPLICANT SUBMITS PROOF THAT THE VIOLATION REFERRED TO IN
13 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) HAS BEEN
14 CORRECTED OR MAY CONDITIONALLY ISSUE OR REINSTATE A PERMIT IF THE
15 VIOLATION IS IN THE PROCESS OF BEING CORRECTED TO THE SATISFACTION
16 OF THE BOARD OR IF THE APPLICANT SUBMITS PROOF THAT THE APPLICANT
17 HAS FILED AND IS PRESENTLY PURSUING A DIRECT ADMINISTRATIVE OR
18 JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE ALLEGED VIOLATION.
19 FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), A DIRECT
20 ADMINISTRATIVE OR JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE
21 ALLEGED VIOLATION SHALL NOT INCLUDE AN APPEAL OF AN APPLICANT'S
22 RELATIONSHIP TO AN AFFILIATE. IF THE VIOLATION IS NOT SUCCESSFULLY
23 ABATED OR IF THE VIOLATION IS UPHELD ON APPEAL, THE BOARD OR OFFICE
24 SHALL REVOKE OR DENY THE CONDITIONAL PERMIT ISSUED OR REINSTATED
25 PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

26 **SECTION 7.** The introductory portion to 34-32-116 (7) (q) and
27 34-32-116 (7) (q) (III), Colorado Revised Statutes, are amended, and the

1 said 34-32-116 is further amended BY THE ADDITION OF THE
2 FOLLOWING NEW SUBSECTIONS, to read:

3 **34-32-116. Duties of operators - reclamation plans.**

4 (7) Reclamation plans and the implementation thereof shall conform to
5 the following general requirements:

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

18 (III) (A) With the approval of the board and the owner of the land
19 to be reclaimed, the operator may substitute land previously mined and
20 owned by the operator not otherwise subject to reclamation under this
21 article or, in the alternative, with the approval of the board and the owner
22 of the land, reclamation of an equal number of acres of any lands
23 previously mined but not owned by the operator if the operator has not
24 previously abandoned unreclaimed mining lands. The board also has
25 authority to grant, in the alternative, the reclamation of lesser or greater
26 acreage so long as the cost of reclaiming such acreage is at least
27 equivalent to the cost of reclaiming the original permit lands. If any area

1 is so substituted, the operator shall submit a map of the substituted area,
2 which map shall conform to all of the requirements with respect to other
3 maps required by this article. Upon completion of reclamation of the
4 substituted land, the operator shall be relieved of all obligations under this
5 article with respect to the land for which substitution has been permitted.

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

8 (8) ALL URANIUM EXTRACTION OPERATIONS USING IN SITU LEACH
9 MINING OR RECOVERY METHODS, INCLUDING ANY INJECTION OF ANY
10 CHEMICALS DESIGNED TO MOBILIZE URANIUM RESOURCES, SHALL RECLAIM
11 ALL AFFECTED GROUND WATER FOR ALL WATER QUALITY PARAMETERS
12 THAT ARE SPECIFICALLY IDENTIFIED IN THE BASELINE SITE
13 CHARACTERIZATION, OR IN THE STATEWIDE RADIOACTIVE MATERIALS
14 STANDARDS OR TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR
15 GROUND WATER AS ESTABLISHED BY THE COLORADO WATER QUALITY
16 CONTROL COMMISSION, TO EITHER OF THE 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 IN
22 TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR GROUND WATER AS
23 ESTABLISHED BY THE COLORADO WATER QUALITY CONTROL COMMISSION.
24 IN ESTABLISHING, DESIGNING, AND IMPLEMENTING A GROUND WATER
25 RECLAMATION PLAN, THE MINE OPERATOR SHALL USE BEST AVAILABLE
26 TECHNOLOGY.

27 (9) OPERATORS OF IN SITU LEACH MINING OPERATIONS SHALL TAKE

1 ALL NECESSARY STEPS TO PREVENT AND REMEDIATE ANY DEGRADATION OF
2 PRE-EXISTING GROUND WATER USES DURING THE PROSPECTING,
3 DEVELOPMENT, EXTRACTION, AND RECLAMATION PHASES OF THE
4 OPERATION.

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

7 **34-32-121.5. Reporting certain conditions.** Any person engaged
8 in ~~any~~ A mining operation shall notify the office of any failure or
9 imminent failure as soon as reasonably practicable after such person has
10 knowledge of such condition, BUT FOR IN SITU LEACH MINING OPERATIONS
11 IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF
12 SUCH FAILURE OR AN IMMINENT FAILURE, of: Any impoundment,
13 embankment, or slope that poses a reasonable potential for danger to any
14 persons or property or to the environment; ANY STRUCTURE FOR IN SITU
15 LEACH MINING OPERATIONS DESIGNED TO DETECT, PREVENT, MINIMIZE, OR
16 MITIGATE ADVERSE IMPACTS ON GROUND WATER; ANY STRUCTURE USED
17 IN CONNECTION WITH IN SITU LEACH MINING DESIGNED TO DETECT,
18 PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH,
19 WILDLIFE, OR THE ENVIRONMENT; or any environmental protection facility
20 designed to contain or control chemicals or waste ~~which~~ THAT are acid-
21 or toxic-forming, as identified in the permit.

22 **SECTION 9. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 mined land reclamation fund created in section 34-32-127, Colorado
25 Revised Statutes, not otherwise appropriated, to the department of natural
26 resources, for the fiscal year beginning July 1, 2008, the sum of forty-two
27 thousand five hundred forty dollars (\$42,540) cash funds and 0.4 FTE, or

1 so much thereof as may be necessary, for the implementation of this act.

2 (2) In addition to any other appropriation, there is hereby
3 appropriated to the department of law, for the fiscal year beginning July
4 1, 2008, the sum of fourteen thousand four hundred six dollars (\$14,406),
5 or so much thereof as may be necessary, for the provision of legal services
6 to the department of law related to the implementation of this act. Said
7 sum shall be from reappropriated funds received from the department of
8 natural resources out of the appropriation made in subsection (1) of this
9 section.

10 **SECTION 10. Applicability.** This act shall apply to mining
11 applications currently filed or filed on or after the effective date of this act
12 and to mining operations currently permitted or permitted on or after the
13 effective date of this act.

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