



HB18-1301

SHORT TITLE: Protect Water Quality Adverse Mining Impacts

LONG TITLE: Concerning the protection of water quality from adverse impacts caused by mineral mining.

SPONSORS: Reps. Roberts and McLachlan (Arndt)

COMMITTEES: House Committees – Agriculture, Livestock, & Natural Resources

PURPOSE OF THE BILL: To amend the Mined Land Reclamation Act by repealing provisions which allow operators to self-bond for reclamation and to set end dates for final water treatment as a pre-condition of approval to mine

PROponents OF THE BILL: Conservation Colorado, Earthworks

POTENTIAL STAKEHOLDERS: Environmental organizations; mining industry; Division of Reclamation, Mining and Safety (DRMS); others?

BACKGROUND: The Mined Land Reclamation Act governs the issuance of permits for the mining of metallic minerals (hardrock mining and construction materials). Reclamation is defined in statute to include protection of water resources both during and after mining. The statutes require any person applying for a permit to submit a written promise and proof of financial responsibility to guarantee the performance of the reclamation plan when mining has ceased. The bond may be met by a surety bond issued by a corporate surety authorized to do business in this state; a letter of credit issued by a bank authorized to do business in the United States; a certificate of deposit; a deed of trust or security agreement encumbering real or personal property and creating a first lien in favor of the state; assurance, in such form as the board may require, or proof of the operator's financial worth which must meet certain statutory amounts (showing ability to carry out the reclamation). For operations which may encounter acid-forming rock or which use chemicals on site the reclamation plan must include an environmental protection plan which details how water and soil will be protected during and after the mining operation. Operators must also meet the requirements of NPDES (discharge) permits from the Colorado Department of Public Health & Environment Water Quality Control Division.

Is this bill necessary this year? No

How does the bill change current law? The bill requires an operator to state in its application for a permit a date by which time any required water treatment will end and when applicable water quality standards will be met. The Mined Land Reclamation Board would be required to deny a permit that does not state such an end date. It repeals the option of an operator to pledge its financial worth (self-bond) to carry out the reclamation plan which includes any necessary water treatment. It applies to any new proposed reclamation plan or amendment of an existing operation's mine reclamation plan.

Does the bill affect the prior appropriations system? No

How is the bill implemented? The DRMS would add the requirement for a projected end date for any necessary water treatment to its criteria for a reclamation plan and the Board would be required to deny a permit absent the date. The Board would be required to deny any reclamation bond relying on the operator's financial worth.

Practical considerations: The DRMS already requires extensive information and planning for the protection of water resources in an operator's reclamation plan under statute and regulation. The bill has no impact on mines developed prior to 1976 (date the Mined Land Reclamation Act was enacted); thus it will not remedy old historic operations which are causing pollution. The bill does not change any water quality standards established by CDPHE. When a reclamation plan is initially proposed the operator may not know with certainty when any treatment may be terminated if groundwater should be encountered during the mining operation, which is dependent on the geology and hydrology of the area.

Fiscal Impact: None identified by the state.

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