

**Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0574.01 Thomas Morris

**HOUSE BILL 08-1161**

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**HOUSE SPONSORSHIP**

**Kefalas and Fischer**, Butcher, Carroll M., Frangas, Gagliardi, Green, Levy, McFadyen, McKinley, Primavera, Riesberg, Solano, Soper, and Weissmann

**SENATE SPONSORSHIP**

**Johnson**, and Bacon

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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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.**

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**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.*

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.

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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 PRODUCED 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 RECOVERY OF A  
24 MINERAL BY MEANS OTHER THAN OPEN MINING OR UNDERGROUND MINING.

25 (8) "Mining operation" means the development or extraction of a  
26 mineral from its natural occurrences on affected land. The term "MINING  
27 OPERATION" includes, but is not limited to, open mining, and IN SITU

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

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

14 **34-32-110. Limited impact operations - expedited process.**

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

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

26 **34-32-112. Application for reclamation permit - changes in**  
27 **permits - fees - notice.** (2) The application forms shall state:

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

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

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

19 **34-32-112. Application for reclamation permit - changes in**  
20 **permits - fees - notice.** (10) (c) In addition, the applicant shall mail a  
21 copy of such notice immediately after first publication to all owners of  
22 record of the surface rights of the affected land, to the owners of record  
23 of immediately adjacent lands, TO THE OWNERS OF RECORD OF LANDS  
24 WITHIN THREE MILES OF AFFECTED LAND FOR IN SITU LEACH MINING  
25 OPERATIONS, and to any other persons who are owners of record that may  
26 be designated by the board that might be affected by the proposed mining  
27 operation. Proof of such notice and mailing, such as certified mail with

1 return receipt requested where possible, shall be provided to the board or  
2 the office and become part of the application.

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

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

26 (b) THE APPLICANT SHALL DESIGN AND CONDUCT A  
27 SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND

1 ENVIRONMENTAL BASELINE CHARACTERIZATION AND MONITORING PLAN  
2 FOR THE PROPOSED MINING OPERATION. THIS PLAN SHALL BE DESIGNED IN  
3 SUCH A MANNER AS TO:

- 4 (I) THOROUGHLY CHARACTERIZE PREMINING SITE CONDITIONS;
- 5 (II) DETECT ANY SUBSURFACE EXCURSIONS OF CHEMICALS USED  
6 IN OR MOBILIZED BY IN SITU LEACH MINING DURING THE MINING  
7 OPERATIONS; AND
- 8 (III) EVALUATE THE EFFECTIVENESS OF POSTMINING RECLAMATION  
9 AND GROUND WATER RESTORATION PLANS.

10 (c) THE DESIGN AND OPERATION OF THE BASELINE  
11 CHARACTERIZATION AND MONITORING PLAN, TOGETHER WITH ALL  
12 INFORMATION COLLECTED IN ACCORDANCE WITH THE PLAN, SHALL BE A  
13 MATTER OF PUBLIC RECORD.

14 (d) (I) NOTWITHSTANDING SECTION 34-32-103 (6), IN THE CASE OF  
15 IN SITU LEACH MINING, RECLAMATION OF GROUND WATER SHALL BEGIN  
16 IMMEDIATELY UPON CESSATION OF PRODUCTION OPERATIONS IN  
17 ACCORDANCE WITH THE RECLAMATION PLAN APPROVED BY THE BOARD.

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

1 SHOULD COMMENCE, IT SHALL SO ORDER.

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

5 **34-32-115. Action by board - appeals.** (2) Prior to the holding  
6 of any such hearing, the board or the office shall provide notice to any  
7 person previously filing a protest or petition for a hearing or statement in  
8 support of an application pursuant to section 34-32-114 and shall publish  
9 notice of the time, date, and location of the hearing in a newspaper of  
10 general circulation in the locality of the proposed mining operation once  
11 a week for two consecutive weeks immediately prior to the hearing. The  
12 hearing shall be conducted as a proceeding pursuant to article 4 of title  
13 24, C.R.S. A final decision on the application shall be made within one  
14 hundred twenty days ~~of~~ AFTER the receipt of the application. In the event  
15 of complex applications, serious unforeseen circumstances, or significant  
16 snow cover on the affected land that prevents a necessary on-site  
17 inspection, the board or the office may reasonably extend the maximum  
18 time sixty days. IN THE EVENT OF IN SITU LEACH MINING OPERATIONS, A  
19 FINAL DECISION ON THE APPLICATION WILL BE MADE WITHIN TWO  
20 HUNDRED FORTY DAYS.

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

1 (b) THE BOARD OR THE OFFICE SHALL DENY A PERMIT FOR IN SITU  
2 LEACH MINING IF THE APPLICANT FAILS TO DEMONSTRATE BY  
3 SUBSTANTIAL EVIDENCE THAT IT WILL RESTORE ALL AFFECTED GROUND  
4 WATER FOR ALL WATER QUALITY PARAMETERS TO PREMINING BASELINE  
5 WATER QUALITY OR BETTER AS ESTABLISHED BY THE BASELINE SITE  
6 CHARACTERIZATION CONDUCTED PURSUANT TO SECTION 34-32-112.5 (5),  
7 OR TO THAT QUALITY WHICH MEETS THE STATEWIDE RADIOACTIVE  
8 MATERIALS STANDARDS OR THE MOST STRINGENT CRITERIA SET FORTH IN  
9 TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR GROUND WATER AS  
10 ESTABLISHED BY THE COLORADO WATER QUALITY CONTROL COMMISSION.

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

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

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

1 (II) (A) EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS  
2 SUBPARAGRAPH (II), THE APPLICANT OR ANY AFFILIATE, OFFICER, OR  
3 DIRECTOR OF THE APPLICANT HAS PREVIOUSLY VIOLATED THIS ARTICLE,  
4 RULES PROMULGATED PURSUANT TO THIS ARTICLE, A PERMIT ISSUED  
5 PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS LAW, RULE, OR PERMIT  
6 ISSUED BY ANOTHER STATE, THE UNITED STATES, OR A FOREIGN  
7 JURISDICTION AS DISCLOSED IN THE APPLICATION PURSUANT TO SECTION  
8 34-32-112 (2) (i).

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

24 **SECTION 7.** The introductory portion to 34-32-116 (7) (q) and  
25 34-32-116 (7) (q) (III), Colorado Revised Statutes, are amended, and the  
26 said 34-32-116 is further amended BY THE ADDITION OF THE  
27 FOLLOWING NEW SUBSECTIONS, to read:

1           **34-32-116. Duties of operators - reclamation plans.**

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

4           (q) All reclamation provided for in this section shall be carried to  
5           completion by the operator with all reasonable diligence and shall be  
6           conducted concurrently with mining operations to the extent practicable,  
7           taking into consideration the mine plan, mine safety, economics, the  
8           availability of equipment and material, and other site-specific conditions  
9           relevant and unique to the affected land and to the postmining land use.

10          Upon termination of the entire mining operation and in accordance with  
11          the reclamation plan, each phase of final reclamation shall be completed  
12          ~~prior to the expiration of~~ WITHIN five years after the date on which the  
13          operator advises the board that such phase has commenced, unless such  
14          period is extended by the board pursuant to section 34-32-112 (7); except  
15          that:

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

1 maps required by this article. Upon completion of reclamation of the  
2 substituted land, the operator shall be relieved of all obligations under this  
3 article with respect to the land for which substitution has been permitted.

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

6 (8) ALL URANIUM EXTRACTION OPERATIONS USING IN SITU LEACH  
7 MINING OR RECOVERY METHODS, INCLUDING ANY INJECTION OF ANY  
8 CHEMICALS DESIGNED TO MOBILIZE URANIUM RESOURCES, SHALL RESTORE  
9 ALL AFFECTED GROUND WATER FOR ALL WATER QUALITY PARAMETERS TO  
10 PREMINING BASELINE WATER QUALITY OR BETTER AS ESTABLISHED BY THE  
11 BASELINE SITE CHARACTERIZATION CONDUCTED PURSUANT TO SECTION  
12 34-32-112.5 (5), OR TO THAT QUALITY WHICH MEETS THE STATEWIDE  
13 RADIOACTIVE MATERIALS STANDARDS OR THE MOST STRINGENT CRITERIA  
14 SET FORTH IN TABLES 1 THROUGH 4 OF THE BASIC STANDARDS FOR  
15 GROUND WATER AS ESTABLISHED BY THE COLORADO WATER QUALITY  
16 CONTROL COMMISSION. IN ESTABLISHING, DESIGNING, AND IMPLEMENTING  
17 A GROUND WATER RESTORATION PLAN, THE MINE OPERATOR SHALL USE  
18 BEST AVAILABLE TECHNOLOGY.

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

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

26 **34-32-121.5. Reporting certain conditions.** Any person engaged  
27 in any A mining operation shall notify the office of any failure or

1 imminent failure as soon as reasonably practicable after such person has  
2 knowledge of such condition, BUT FOR IN SITU LEACH MINING OPERATIONS  
3 IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF  
4 SUCH FAILURE OR AN IMMINENT FAILURE, of: Any impoundment,  
5 embankment, or slope that poses a reasonable potential for danger to any  
6 persons or property or to the environment; ANY STRUCTURE FOR IN SITU  
7 LEACH MINING OPERATIONS DESIGNED TO DETECT, PREVENT, MINIMIZE, OR  
8 MITIGATE ADVERSE IMPACTS ON GROUND WATER; ANY STRUCTURE USED  
9 IN CONNECTION WITH IN SITU LEACH MINING DESIGNED TO DETECT,  
10 PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH,  
11 WILDLIFE, OR THE ENVIRONMENT; or any environmental protection facility  
12 designed to contain or control chemicals or waste ~~which~~ THAT are acid-  
13 or toxic-forming, as identified in the permit.

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

21 (2) In addition to any other appropriation, there is hereby  
22 appropriated to the department of law, for the fiscal year beginning July  
23 1, 2008, the sum of fourteen thousand four hundred six dollars (\$14,406),  
24 or so much thereof as may be necessary, for the provision of legal  
25 services to the department of law related to the implementation of this act.  
26 Said sum shall be from reappropriated funds received from the  
27 department of natural resources out of the appropriation made in

1 subsection (1) of this section.

2           **SECTION 10. Applicability.** This act shall apply to mining  
3 applications filed and mining operations occurring on or after the  
4 effective date of this act.

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