HOUSE BILL 16-1276

CONCERNING THE DIVISION OF RECLAMATION, MINING, AND SAFETY'S ABILITY TO CONDUCT EMERGENCY RESPONSES AT LEGACY HARD ROCK MINING SITES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Current law authorizes the division of reclamation, mining, and safety in the department of natural resources to use the emergency response cash fund for hazardous conditions at a mining site only if the site is subject to the division's regulatory authority. The bill authorizes use of the fund to conduct emergency responses when circumstances exist at
a legacy hard rock mine site that create a danger to public health or welfare or the environment.

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

SECTION 1. In Colorado Revised Statutes, 34-32-122, amend (3) (a) (II) as follows:

34-32-122. Fees, civil penalties, and forfeitures - deposit - emergency response cash fund - created. (3) (a) (II) The emergency response cash fund shall be available for use MAY BE USED by the executive director to conduct emergency responses or to perform emergency reclamation activities at mining operations subject to this article AND AS SPECIFIED IN SECTION 34-32-124.5 (1) (b).

SECTION 2. In Colorado Revised Statutes, amend 34-32-124.5 as follows:

34-32-124.5. Emergencies endangering public health or environment - definition. (1) Following an investigation, an emergency response shall be justified pursuant to section 34-32-122 (3) if the board or office determines that:

(a) Any person is:

(1) Engaging in any activity not sanctioned by, or which constitutes a material violation of, a permit for a mining operation if such activity constitutes an immediate, undue, and unwarranted risk of serious harm to persons or property or to the environment; or

(b) (II) An operator with a permit who is failing or refusing to respond to a board order requiring corrective actions for any failure or imminent failure of:

(A) Any impoundment, embankment, or slope identified in such THE permit; or
(II) (B) Any environmental protection facility or measure identified in the permit which is designed for control or containment of chemicals or waste which are toxic, toxic-forming, or acid; or

(III) (C) Any other measure identified in such permit or as provided for in this article or any rule promulgated pursuant to this article which is intended to protect human health or property or the environment; OR

(b) CIRCUMSTANCES EXIST, REGARDLESS OF WHETHER CAUSED BY A PERSON, AT A LEGACY MINE SITE THAT CREATE A DANGER TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT. FOR PURPOSES OF THIS PARAGRAPH (b), "LEGACY MINE SITE" MEANS A SITE WHERE HARD ROCK MINING OPERATIONS HAVE BEEN ABANDONED AS THOSE TERMS ARE DEFINED IN SECTION 34-34-101 (1) (b) AND (4).

SECTION 3. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.