



# Legislative Council Staff

## Research Note

Version: Final

Date: 4/25/2016

### Bill Number

House Bill 16-1276

### Sponsors

*Representatives Hamner &  
Coram  
Senators Roberts & Donovan*

### Short Title

*Conduct Emergency Responses  
At Legacy Mining Sites*

### Research Analyst

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### Status

This research note reflects the final version of the bill and becomes effective upon signature of the Governor.

### Summary

Under current law, the Division of Reclamation, Mining, and Safety (DRMS) in the Department of Natural Resources (DNR) may use funds from the Emergency Response Cash Fund to respond to hazardous conditions at a mining site only if the site is subject to the division's regulatory authority. This bill authorizes use of the fund to conduct an emergency response when circumstances exist at a legacy mine site that create a danger to public health or welfare, or to the environment.

### Background

***Inactive Mines Reclamation Program.*** The Inactive Mines Reclamation Program (IMRP) is the subdivision within the DRMS responsible for safeguarding hazards and conducting reclamation and remediation projects at legacy and forfeited mine sites in Colorado. The IMRP was established in 1980. It was instituted under the provisions in the federal Surface Mining Control and Reclamation Act (SMCRA) of 1977, which gives the states with approved coal mining regulatory programs under SMCRA the ability to assume exclusive authority to reclaim abandoned mine lands within their borders. Mines abandoned prior to 1977 are eligible for the program. The projects undertaken by the IMRP are largely voluntary. The IMRP has no regulatory authority. Landowner permission is generally required for any safeguarding or remediation project to occur. The IMRP is funded through the U.S. Department of the Interior by reclamation fees paid by current coal mine

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operations on each ton of coal mined in Colorado.

**Legacy mines.** A legacy site is a mine where hard rock mining operations have been abandoned prior to July 1, 1976, and there is no continuing responsibility for reclamation under state or federal law. There are an estimated 23,000 hazardous mine features and other environmental problems at hardrock legacy mine sites in Colorado. About 40 percent of these features have been safeguarded by the DRMS Inactive Mines Reclamation Program over the past 30 years, but inactive mines continue to be a source of water pollution affecting more than 1,300 miles of streams and waterways. There are approximately 500 legacy mine sites that have been identified as having a measurable impact on water quality. Of these, 230 are problematic because of actual mine drainage (as opposed to storm water issues from tailings and waste rock). Forty seven of these sites have active water treatment efforts and another 35 are being evaluated, but 148 are still draining into waterways without any intervention.

## House Action

**House Agriculture, Livestock, and Natural Resources Committee (April 6, 2016).** At the hearing, there was no testimony. The bill was referred unamended to the Committee of the Whole.

**House second reading (April 11, 2016).** The House passed the bill on second reading with no amendments.

**House third reading (April 14, 2016).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate Agriculture, Natural Resources and Energy Committee (April 21, 2016).** At the hearing, Director of the Division of Reclamation, Mining, and Safety spoke in support of the bill and discussed problems associated with legacy mines in Colorado. The bill was referred unamended to the Committee of the Whole consent calendar.

**Senate second reading (April 22, 2016).** The Senate passed the bill on second reading consent calendar with no amendments.

**Senate third reading (April 25, 2016).** The Senate passed the bill on third reading with no amendments.

## Relevant Research

Joint Budget Committee, *FY 2016-17 Joint Budget Committee Staff Budget Briefing for the Department of Natural Resources*, December 3, 2015.