

## CHAPTER 165

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**NATURAL RESOURCES**


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**HOUSE BILL 16-1276**

BY REPRESENTATIVE(S) Hamner and Coram, Arndt, Becker J., Becker K., Brown, Duran, Fields, Garnett, Kraft-Tharp, Mitsch Bush, Pettersen, Priola, Rankin, Ryden, Salazar, Vigil, Winter, Young, Hullinghorst; also SENATOR(S) Roberts and Donovan, Baumgardner, Crowder, Heath, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Scheffel, Steadman, Cadman.

**AN ACT**

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

*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~~ **IS** justified pursuant to section 34-32-122 (3) if the board or office determines that:

(a) Any person is:

~~(a)~~ (I) Engaging in any activity not sanctioned by, or ~~which~~ **THAT** 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~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~(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:

~~(H)~~ (A) Any impoundment, embankment, or slope identified in ~~such~~ THE permit;  
or

~~(H)~~ (B) Any environmental protection facility or measure identified in the permit ~~which~~ THAT is designed for control or containment of chemicals or waste ~~which~~ THAT are toxic, toxic-forming, or acid; or

~~(H)~~ (C) Any other measure identified in ~~such~~ THE permit or as provided for in this article or any rule promulgated pursuant to this article ~~which~~ THAT 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.

Approved: May 17, 2016