

RULEMAKING OVERVIEW
Colorado Mined Land Reclamation Board
Division of Reclamation, Mining and Safety

The following summarizes changes to the Rules and Regulations of the Colorado Mined Land Reclamation Board (MLRB) for Hard Rock, Metal and Designated Mining Operations formally filed with the Secretary of State's Office on January 26, 2010, and approved by the MLRB on August 12, 2010.

Formal public comment occurred at four locations (Loveland, Grand Junction, Salida and Denver). Party testimony occurred in Denver. Prior to rulemaking, DRMS held eight stakeholder meetings in Denver beginning on May 27, 2009 and ending on December 3, 2009.

The proposed regulations are primarily authorized and required by two bills that amended the Colorado Mined Land Reclamation Act. The regulations also contain minimal reference to two additional bills.

The Bills are:

HB 08-1161	Main emphasis - Uranium mining and in particular uranium in situ leach operations
SB 08-228	Main emphasis - prospecting notices became largely open to public view
SB 08-169	Fees
SB 07-185	Fees

HB 08-1161 -RELATED PROVISIONS

- Requires that all uranium mining operations be Designated Mining Operations.
- Requires in situ leach uranium mine permit applicants to provide a baseline site characterization and a plan for on-going monitoring of the affected land, surface water and ground water prior to Board action on the application. Allows DRMS to hire an independent third party at the operator's expense to oversee development of such plans. This process is subject to public comment opportunity.
- For in situ leach uranium operations, reclamation of groundwater must occur to either baseline conditions or the water quality standards of the WQCC, and the Board may deny an application if the applicant cannot show that ground water reclamation is not possible. Also any excursion of affected ground water beyond the approved affected area boundary is grounds for immediate reclamation of the ground water.
- In situ leach uranium mining applicants must certify that none of their operations are in violation of permits issued under the Colorado Mined Land Reclamation Act, or analogous laws promulgated by other states or federal government.

- In situ leach uranium mining applicants must identify five comparable operations that are in compliance with applicable federal and state groundwater regulations.
- Baseline groundwater information may be required for hardrock prospecting activities.
- Pit liners or other environmental protection measures may be required to manage drilling fluids.
- For in situ leach uranium permit applications, landowner notification requirements are extended to an area three miles in diameter. Permit review is extended to 240 days.

SB 08-228 -RELATED PROVISIONS

- Specifies that most information provided in a notice of intent to conduct prospecting, or a modification of such a notice, is a matter of public record.
- Maintains confidentiality of information relating to the location, size or nature of the mineral deposit and other information designated by the operator and determined by the Board to be a trade secret, proprietary information or information that would cause substantial harm to the competitive position of the operator.
- Public comment and appeal processes are added for prospecting notices.
- Local government notice is required for prospecting notices.

SB 08-169 -RELATED PROVISIONS

- Allows DRMS to bill an in situ leach permit applicant for extraordinary costs incurred during the permit or permit revision review.
- Establishes a fee for 110 limited impact permit amendments where no fee has existed historically.

SB 07-185- RELATED PROVISIONS

- 2007 fee bill - 15% fee increase on all hard rock and construction materials applications, prospecting notices and permits.
- DRMS may bill an in situ oil shale permit applicant for extraordinary costs incurred during the permit or permit revision review.