

**Second Regular Session**  
**Sixty-sixth General Assembly**  
**STATE OF COLORADO**  
**UNOFFICIAL PREAMENDED VERSION**  
*(showing L.002)*

LLS NO. 08-0574.01 Thomas Morris

**HOUSE BILL 08-1161**

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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.**

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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 situ leach mining of uranium to restore all affected ground water to its

**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.*

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  
8 at which:

1 (I) Toxic or acidic chemicals used in extractive metallurgical  
2 processing are present on site; or

3 (II) Acid- or toxic-forming materials will be exposed or disturbed  
4 as a result of mining operations; OR

5 (III) URANIUM IS PRODUCED OR EXTRACTED, EITHER BY IN SITU  
6 LEACH MINING OR BY CONVENTIONAL UNDERGROUND OR OPEN PIT MINING  
7 TECHNIQUES. A URANIUM MINING OPERATION MAY SEEK AN EXEMPTION  
8 FROM DESIGNATED MINING OPERATION STATUS IN ACCORDANCE WITH  
9 SECTION 34-32-112.5(2).

10 (b) The various types of designated mining operations are  
11 identified in section 34-32-112.5. EXCEPT AS PROVIDED IN  
12 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SECTION, such mining  
13 operations exclude operations which THAT do not use toxic or acidic  
14 chemicals in processing for purposes of extractive metallurgy and which  
15 THAT will not cause acid mine drainage.

16 (5.7) "IN SITU LEACH MINING" MEANS IN SITU MINING FOR  
17 URANIUM THROUGH THE IN-PLACE DISSOLUTION OF MINERAL COMPONENTS  
18 OF AN ORE DEPOSIT BY CAUSING A CHEMICAL LEACHING SOLUTION,  
19 USUALLY AQUEOUS, TO PENETRATE OR TO BE PUMPED DOWN WELLS  
20 THROUGH THE ORE BODY AND THEN REMOVING THE MINERAL-CONTAINING  
21 SOLUTION FOR RECOVERY OF THE MINERAL VALUES.

22 (5.8) "IN SITU MINING" MEANS THE IN-PLACE RECOVERY OF A  
23 MINERAL BY MEANS OTHER THAN OPEN MINING OR UNDERGROUND MINING.

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

1 disposal of refuse from underground and in situ mining. The term  
2 "MINING OPERATION" ALSO includes the following operations on affected  
3 lands: Transportation; concentrating; milling; evaporation; and other  
4 processing. The term "MINING OPERATION" does not include: The  
5 exploration and extraction of natural petroleum in a liquid or gaseous  
6 state by means of wells or pipe; the development or extraction of coal; the  
7 extraction of geothermal resources; [REDACTED] smelting, refining, cleaning,  
8 preparation, transportation, and other off-site operations not conducted on  
9 affected land OR THE EXTRACTION OF CONSTRUCTION MATERIAL AND  
10 ASSOCIATED REMOVAL OF RESIDUAL GOLD.

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

13 34-32-110. Limited impact operations - expedited process.  
14 (2) (a) Any person desiring to conduct mining operations on less than ten  
15 acres, which mining operations will result in the extraction of less than  
16 seventy thousand tons of mineral or overburden per calendar year, prior  
17 to commencement of mining, shall file with the office, on a form  
18 approved by the board, an application for a permit to conduct mining  
19 operations; EXCEPT THAT APPLICATIONS FOR IN SITU LEACH MINING SHALL  
20 BE FILED PURSUANT TO SECTION 34-32-112.5 (3) (d). This application  
21 shall contain the following:

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

25 34-32-112. Application for reclamation permit - changes in  
26 permits - fees - notice. (2) The application forms shall state:

27 (i) FOR IN SITU LEACH MINING OPERATIONS, A CERTIFICATION BY

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

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

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

18 **34-32-112. Application for reclamation permit - changes in**  
19 **permits - fees - notice.** (10) (c) In addition, the applicant shall mail a  
20 copy of such notice immediately after first publication to all owners of  
21 record of the surface rights of the affected land, to the owners of record  
22 of immediately adjacent lands, TO THE OWNERS OF RECORD OF LANDS  
23 WITHIN THREE MILES OF AFFECTED LAND IN THE CASE OF A PROPOSED IN  
24 SITU LEACH MINING OPERATION, and to any other persons who are owners  
25 of record that may be designated by the board that might be affected by  
26 the proposed mining operation. Proof of such notice and mailing, such  
27 as certified mail with return receipt requested where possible, shall be

1 provided to the board or the office and become part of the application.

2 **SECTION 5.** 34-32-112.5 (3) (d), Colorado Revised Statutes, is  
3 amended, and the said 34-32-112.5 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5 **34-32-112.5. Designated mining operation - rules.** (3) When  
6 promulgating rules governing designated mining operations, the board  
7 shall consider the economic reasonableness, the technical feasibility, and  
8 the level or degree of any environmental concerns which may result from:

9 (d) Any other designated mining operation, INCLUDING ANY IN  
10 SITU LEACH MINING OPERATIONS, which shall be referred to AS  
11 "112d-3" permits.

12 (5) (a) THE BOARD SHALL REQUIRE AS A CONDITION OF PERMIT  
13 ISSUANCE THAT THE APPLICANT FOR AN IN SITU LEACH MINING OPERATION  
14 SUBMIT A PLAN FOR AN INITIAL SITE CHARACTERIZATION AND ONGOING  
15 MONITORING OF THE AFFECTED LAND AND AFFECTED SURFACE AND  
16 GROUND WATER. THE BOARD OR THE OFFICE MAY RETAIN AN  
17 INDEPENDENT THIRD-PARTY PROFESSIONAL EXPERT TO OVERSEE BASELINE  
18 SITE CHARACTERIZATION, MONITOR FIELD OPERATIONS, OR REVIEW ANY  
19 PORTION OF THE INFORMATION COLLECTED, DEVELOPED, OR SUBMITTED  
20 BY AN APPLICANT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5).  
21 THE APPLICANT SHALL PAY THE REASONABLE COSTS INCURRED BY THE  
22 EXPERT SELECTED BY THE BOARD OR OFFICE; EXCEPT THAT THE BOARD OR  
23 OFFICE SHALL DEFINE THE SCOPE OF WORK TO BE ACCOMPLISHED BY THE  
24 EXPERT AND SHALL REVIEW AND APPROVE ALL INVOICES TO BE PAID BY  
25 THE APPLICANT. THE APPLICANT MAY OBJECT TO THE SELECTION OF ANY  
26 SUCH EXPERT IF THE APPLICANT HAS KNOWLEDGE OR INFORMATION THAT  
27 THE EXPERT LACKS THE PROFESSIONAL QUALIFICATIONS TO ACCOMPLISH

1 THE SCOPE OF WORK, HAS A CONFLICT OF INTEREST WITH THE APPLICANT  
2 OR THE PROJECT THAT IS THE SUBJECT OF THE APPLICATION, OR HAS A BIAS  
3 THAT COULD INFLUENCE THE OBJECTIVITY OF THE WORK TO BE  
4 ACCOMPLISHED.

5 (b) THE APPLICANT SHALL DESIGN AND CONDUCT A  
6 SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND  
7 ENVIRONMENTAL BASELINE CHARACTERIZATION AND MONITORING PLAN  
8 FOR THE PROPOSED MINING OPERATION. THIS PLAN SHALL BE DESIGNED IN  
9 SUCH A MANNER AS TO:

10 (I) THOROUGHLY AND PROFESSIONALLY CHARACTERIZE  
11 PREMINING SITE CONDITIONS;

12 (II) DETECT ANY SUBSURFACE EXCURSIONS OF CHEMICALS USED  
13 IN OR MOBILIZED BY IN SITU LEACH MINING DURING THE MINING  
14 OPERATIONS; AND

15 (III) EVALUATE THE EFFECTIVENESS OF POSTMINING RECLAMATION  
16 AND GROUND WATER RESTORATION PLANS.

17 (c) THE DESIGN AND OPERATION OF THE BASELINE  
18 CHARACTERIZATION AND MONITORING PLAN, TOGETHER WITH ALL  
19 INFORMATION COLLECTED IN ACCORDANCE WITH THE PLAN, SHALL BE A  
20 MATTER OF PUBLIC RECORD.

21 (d) (I) IN THE CASE OF IN SITU LEACH MINING, RESTORATION OF  
22 GROUND WATER SHALL BEGIN IMMEDIATELY UPON CESSATION OF  
23 PRODUCTION OPERATIONS IN ACCORDANCE WITH THE RESTORATION PLAN  
24 APPROVED BY THE BOARD.

25 (II) IF THE OPERATOR PLANS TO CEASE OPERATION ON A  
26 TEMPORARY BASIS, THE OPERATOR SHALL NOTIFY THE BOARD AT LEAST  
27 THIRTY DAYS PRIOR TO SUCH TEMPORARY CESSATION SETTING FORTH

1 BOTH THE REASONS FOR THE TEMPORARY CESSATION AND THE EXPECTED  
2 DURATION OF THE TEMPORARY CESSATION. THE OPERATOR SHALL  
3 MAINTAIN A GROUND WATER MONITORING AND PUMPING REGIME  
4 SATISFACTORY TO THE BOARD DURING ANY PERIOD OF TEMPORARY  
5 CESSATION OF OPERATIONS. IF, IN THE JUDGMENT OF THE BOARD, THE  
6 EXPECTED DURATION OF ANY TEMPORARY CESSATION WILL BE OF SUCH  
7 LENGTH THAT THE BOARD BELIEVES THAT GROUND WATER RESTORATION  
8 SHOULD COMMENCE, IT SHALL SO ORDER.

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

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

26 (5) (a) THE BOARD OR THE OFFICE MAY DENY A PERMIT FOR IN SITU  
27 LEACH MINING OPERATIONS BASED ON UNCERTAINTY ABOUT THE



1 FEASIBILITY OF RECLAMATION AND SHALL DENY SUCH A PERMIT IF THE  
2 APPLICANT FAILS TO DEMONSTRATE THAT RECLAMATION CAN AND WILL  
3 BE ACCOMPLISHED IN COMPLIANCE WITH THIS ARTICLE, INCLUDING THE  
4 PROTECTION OF GROUND WATER AND OTHER ENVIRONMENTAL RESOURCES  
5 AND HUMAN HEALTH.

6 (b) THE BOARD OR THE OFFICE SHALL DENY A PERMIT FOR IN SITU  
7 LEACH MINING IF THE APPLICANT FAILS TO DEMONSTRATE BY  
8 SUBSTANTIAL EVIDENCE THAT IT WILL RESTORE ALL AFFECTED GROUND  
9 WATER TO THE PREMINING BASELINE WATER QUALITY, OR TO A QUALITY  
10 BETTER FOR ALL WATER QUALITY PARAMETERS THAN PREMINING  
11 BASELINE WATER QUALITY, AS ESTABLISHED BY THE INITIAL BASELINE SITE  
12 CHARACTERIZATION CONDUCTED PURSUANT TO SECTION 34-32-112.5 (5).

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

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

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

**SECTION 7.** The introductory portion to 34-32-116 (7) (q) and 34-32-116 (7) (q) (III), Colorado Revised Statutes, are amended, and the said 34-32-116 is further amended BY THE ADDITION OF A NEW

1 SUBSECTION, to read:

2 **34-32-116. Duties of operators - reclamation plans.**

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

5 (q) All reclamation provided for in this section shall be carried to  
6 completion by the operator with all reasonable diligence and shall be  
7 conducted concurrently with mining operations to the extent practicable,  
8 taking into consideration the mine plan, mine safety, economics, the  
9 availability of equipment and material, and other site-specific conditions  
10 relevant and unique to the affected land and to the postmining land use.  
11 Upon termination of the entire mining operation and in accordance with  
12 the reclamation plan, each phase of final reclamation shall be completed  
13 ~~prior to the expiration of~~ WITHIN five years after the date on which the  
14 operator advises the board that such phase has commenced, unless such  
15 period is extended by the board pursuant to section 34-32-112 (7); except  
16 that:

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

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

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

7 (8) ALL URANIUM EXTRACTION OPERATIONS USING IN SITU LEACH  
8 MINING OR RECOVERY METHODS, INCLUDING ANY INJECTION OF ANY  
9 CHEMICALS DESIGNED TO MOBILIZE URANIUM RESOURCES, SHALL RESTORE  
10 ALL AFFECTED GROUND WATER TO THE PREMINING BASELINE WATER  
11 QUALITY, OR TO A QUALITY BETTER FOR ALL WATER QUALITY  
12 PARAMETERS THAN PREMINING BASELINE WATER QUALITY, AS  
13 ESTABLISHED BY THE INITIAL BASELINE SITE CHARACTERIZATION  
14 CONDUCTED PURSUANT TO SECTION 34-32-112.5 (5). IN ESTABLISHING,  
15 DESIGNING, AND IMPLEMENTING A GROUND WATER RESTORATION PLAN,  
16 THE MINE OPERATOR SHALL USE BEST AVAILABLE TECHNOLOGY.

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

19 **34-32-121.5. Reporting certain conditions.** Any person engaged  
20 in any A mining operation shall notify the office of any failure or  
21 imminent failure as soon as reasonably practicable after such person has  
22 knowledge of such condition, BUT FOR IN SITU LEACH MINING OPERATIONS  
23 IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF  
24 SUCH FAILURE OR AN IMMINENT FAILURE, of: Any impoundment,  
25 embankment, or slope that poses a reasonable potential for danger to any  
26 persons or property or to the environment; ANY STRUCTURE FOR IN SITU  
27 LEACH MINING OPERATIONS DESIGNED TO DETECT, PREVENT, MINIMIZE, OR

1 MITIGATE ADVERSE IMPACTS ON GROUND WATER; ANY STRUCTURE USED  
2 IN CONNECTION WITH IN SITU LEACH MINING DESIGNED TO DETECT,  
3 PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH,  
4 WILDLIFE, OR THE ENVIRONMENT; or any environmental protection facility  
5 designed to contain or control chemicals or waste ~~which~~ THAT are acid-  
6 or toxic-forming, as identified in the permit.

7           **SECTION 9. Applicability.** This act shall apply to mining  
8 applications filed and mining operations occurring on or after the  
9 effective date of this act.

10           **SECTION 10. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.