

## Rules for uranium mining may take effect next month

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After a rulemaking process that lasted about 15 months, and more than two years after the laws requiring new regulations were passed, the Colorado Mined Land Reclamation Board earlier this month finally and unanimously adopted new rules to govern uranium mining in the state.

That's of particular interest to Northern Colorado residents because Powertech Uranium Corp. is proposing to mine about 7,000 acres of land a few miles west of the tiny hamlet of Nunn in west-central Weld County.

Powertech is planning to use an in-situ process for extracting the uranium, which involves drilling holes into uranium-holding rock formations and injecting a solution to loosen the deposits and bring them to the surface. While it's a cleaner process than conventional uranium mining, which involves digging big, ugly holes in the ground, the downside, according to critics of the in-situ process, is that it makes it more possible to pollute groundwater.

That's why local legislators Rep. John Kefalas, D-Fort Collins, Rep. Randy Fischer, D-Fort Collins, former Sen. Steve Johnson, R-Fort Collins and Sen. Bob Bacon, D-Fort Collins, worked together to get House Bill 08-1161 passed with broad bipartisan support. HB 1161 requires minimum standards for in-situ uranium mining, a method new to the state.

Another bill - Senate Bill 08-228 - provides for greater transparency for all mineral exploration in the state, great portions of which had previously been kept secret.

The new rules - which basically implement the laws passed in 2008 - were praised by Mike King, executive director of the state's Department of Natural Resources and a member of the Mined Land Reclamation Board.

"These rules will protect our groundwater resources by requiring baseline characterization and grant much greater transparency to the impacted communities regarding the proposed mining activities," King said in a statement. "(The Division of Reclamation, Mining and Safety) did a remarkable job in framing the issues, incorporating public concerns and developing a truly balanced set of regulations."

The new rules are tough on uranium mining operations, requiring:

- Detailed environmental protection plans;
- In-situ uranium mine applications to protect groundwater to existing conditions or to state groundwater standards;
- Such applications to demonstrate that the proposed mining technology has been used at five other locations without harming groundwater quality;
- Such applications to include detailed baseline hydrology information;

- That applicants cannot obtain a mining permit if they are in violation at another operation;
- That prospecting notices be largely public information;
- That public comment is allowed on prospecting notices;
- That DRMS may assess in-situ uranium mine applicants for extraordinary costs associated with permit reviews.

The rulemaking process resulted in adding two changes to the revised draft rules. One of the changes gives third parties an opportunity to appeal prospecting decisions if they can demonstrate legal standing. The second requires in-situ applicants to conduct baseline groundwater studies before beginning prospecting activities.

Powertech called the second change a "Catch 22" that would harm uranium mining companies' ability to pursue prospecting.

"It will be economically and technically impracticable at best - impossible at worst - for in-situ operators to gather the necessary data for a baseline site characterization until after conducting time-consuming and expensive prospecting activities," wrote Powertech President Richard Clement to the board a few days before the vote to approve the rules.

"This results in an obvious 'Catch 22' which would be fatal to any serious potential in-situ recovery project."

David Berry, executive director of the state Division of Reclamation, Mining and Safety, disputed Clement's characterization of the rule. "I guess we would disagree with that assertion," Berry said. "When necessary, it can be done."

Environmental groups that had been closely watching the board's deliberations on the rules said they were happy with the results.

"We're pleased with the board's decision in passing rules that protect groundwater and ensure public involvement in uranium mining decisions," said Jeff Parsons, attorney with the Western Mining Action Project that represented Coloradans Against Resource Destruction - a local opposition group - and other environmental organizations.

The new rules are now being reviewed by the state attorney general to make sure they conform with existing state laws. After that, the final rules will be published by the Secretary of State and become effective 20 days later. That's expected to take place by mid to late September.

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