

112TH CONGRESS  
1ST SESSION

# S. 1047

To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2011

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Leadville Mine Drain-  
5       age Tunnel Act of 2011”.

1 **SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.**  
 2

3 Section 703 of the Reclamation Projects Authoriza-  
 4 tion and Adjustment Act of 1992 (Public Law 102-575;  
 5 106 Stat. 4656) is amended to read as follows:

6 **“SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAIN-  
 7 TENANCE.**

8 “(a) LEADVILLE MINE DRAINAGE TUNNEL.—The  
 9 Secretary shall take any action necessary to maintain the  
 10 structural integrity of the Leadville Mine Drainage Tun-  
 11 nel—

12 “(1) to maintain public safety; and

13 “(2) to prevent an uncontrolled release of water  
 14 from the tunnel portal.

15 “(b) WATER TREATMENT PLANT.—

16 “(1) IN GENERAL.—Subject to section 705, the  
 17 Secretary shall be responsible for the operation and  
 18 maintenance of the water treatment plant authorized  
 19 under section 701, including any sludge disposal au-  
 20 thorized under this title.

21 “(2) AUTHORITY TO OFFER TO ENTER INTO  
 22 CONTRACTS.—In carrying out paragraph (1), the  
 23 Secretary may offer to enter into 1 or more con-  
 24 tracts with any appropriate individual or entity for  
 25 the conduct of any service required under paragraph  
 26 (1).”.

1 **SEC. 3. REIMBURSEMENT.**

2 Section 705 of the Reclamation Projects Authoriza-  
3 tion and Adjustment Act of 1992 (Public Law 102–575;  
4 106 Stat. 4656) is amended—

5 (1) by striking “The treatment plant” and in-  
6 serting the following:

7 “(a) IN GENERAL.—Except as provided in subsection  
8 (b), the treatment plant”;

9 (2) by striking “Drainage Tunnel” and insert-  
10 ing “Drainage Tunnel (which includes any surface  
11 water diverted into the Leadville Mine Drainage  
12 Tunnel and water collected by the dewatering relief  
13 well installed in June 2008)”; and

14 (3) by adding at the end the following:

15 “(b) EXCEPTION.—The Secretary may—

16 “(1) enter into an agreement with any other en-  
17 tity or government agency to provide funding for an  
18 increase in any operation, maintenance, replacement,  
19 capital improvement, or expansion cost that is nec-  
20 essary to improve or expand the treatment plant;  
21 and

22 “(2) upon entering into an agreement under  
23 paragraph (1), make any necessary capital improve-  
24 ment to or expansion of the treatment plant.”.

1 **SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND**  
 2 **TREATMENT PLANT.**

3 Section 708(a) of the Reclamation Projects Author-  
 4 ization and Adjustment Act of 1992 (Public Law 102–  
 5 575; 106 Stat. 4657) is amended—

6 (1) by striking “(a) The Secretary” and insert-  
 7 ing the following:

8 “(a) IN GENERAL.—

9 “(1) AUTHORIZATION.—The Secretary”;

10 (2) by striking “Neither” and inserting the fol-  
 11 lowing:

12 “(2) LIABILITY.—Neither”;

13 (3) by striking “The Secretary shall have” and  
 14 inserting the following:

15 “(3) FACILITIES COVERED UNDER OTHER  
 16 LAWS.—

17 “(A) IN GENERAL.—Except as provided in  
 18 subparagraph (B), the Secretary shall have”;

19 (4) by inserting after “Recovery Act.” the fol-  
 20 lowing:

21 “(B) EXCEPTION.—If the Administrator of  
 22 the Environmental Protection Agency proposes  
 23 to amend or issue a new Record of Decision for  
 24 operable unit 6 of the California Gulch National  
 25 Priorities List Site, the Administrator shall  
 26 consult with the Secretary with respect to each

1 feature of the proposed new or amended Record  
2 of Decision that may require any alteration to,  
3 or otherwise affect the operation and mainte-  
4 nance of—

5 “(i) the Leadville Mine Drainage Tun-  
6 nel; or

7 “(ii) the water treatment plant au-  
8 thorized under section 701.

9 “(4) AUTHORITY OF SECRETARY.—The Sec-  
10 retary may implement any improvement to the  
11 Leadville Mine Drainage Tunnel or improvement to  
12 or expansion of the water treatment plant authorized  
13 under section 701 as a result of a new or amended  
14 Record of Decision for operable unit 6 of the Cali-  
15 fornia Gulch National Priorities List Site only upon  
16 entering into an agreement with the Administrator  
17 of the Environmental Protection Agency or any  
18 other entity or government agency to provide fund-  
19 ing for the improvement or expansion.”; and

20 (5) by striking “For the purpose of” and insert-  
21 ing the following:

22 “(5) DEFINITION OF UPPER ARKANSAS RIVER  
23 BASIN.—In”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 708(f) of the Reclamation Projects Author-  
3 ization and Adjustment Act of 1992 (Public Law 102-  
4 575; 106 Stat. 4657) is amended by striking “sections 707  
5 and 708” and inserting “this section and sections 703,  
6 705, and 707”.

7 **SEC. 6. CONFORMING AMENDMENT.**

8 The table of contents of title VII of the Reclamation  
9 Projects Authorization and Adjustment Act of 1992 (Pub-  
10 lic Law 102-575; 106 Stat. 4601) is amended by striking  
11 the item relating to section 703 and inserting the fol-  
12 lowing:

“Sec. 703. Tunnel maintenance; operation and maintenance.”.

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