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.

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

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Leadville Mine Drain-
age Tunnel Act of 2011”.
SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended to read as follows:

"SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

“(a) Leadville Mine Drainage Tunnel.—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

“(1) to maintain public safety; and

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

“(b) Water Treatment Plant.—

“(1) In general.—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

“(2) Authority to offer to enter into contracts.—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1)."
SEC. 3. REIMBURSEMENT.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended—

(1) by striking “The treatment plant” and inserting the following:

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

(2) by striking “Drainage Tunnel” and inserting “Drainage Tunnel (which includes any surface water diverted into the Leadville Mine Drainage Tunnel and water collected by the dewatering relief well installed in June 2008)”;

(3) by adding at the end the following:

“(b) EXCEPTION.—The Secretary may—

“(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

“(2) upon entering into an agreement under paragraph (1), make any necessary capital improvement to or expansion of the treatment plant.”.
SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.

Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking “(a) The Secretary” and inserting the following:

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—The Secretary”;

(2) by striking “Neither” and inserting the following:

“(2) LIABILITY.—Neither”;

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

“(3) FACILITIES COVERED UNDER OTHER LAWS.—

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

(4) by inserting after “Recovery Act.” the following:

“(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each
feature of the proposed new or amended Record
of Decision that may require any alteration to,
or otherwise affect the operation and mainte-
nance of—

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

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

“(4) AUTHORITY OF SECRETARY.—The Sec-

etary may implement any improvement to the
Leadville Mine Drainage Tunnel or improvement to
or expansion of the water treatment plant authorized
under section 701 as a result of a new or amended
Record of Decision for operable unit 6 of the Cali-
ifornia Gulch National Priorities List Site only upon
entering into an agreement with the Administrator
of the Environmental Protection Agency or any
other entity or government agency to provide fund-
ing for the improvement or expansion.”; and

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

“(5) DEFINITION OF UPPER ARKANSAS RIVER
BASIN.—In”.
SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended by striking “sections 707 and 708” and inserting “this section and sections 703, 705, and 707”.

SEC. 6. CONFORMING AMENDMENT.

The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

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