

110TH CONGRESS
2D SESSION

S. 2680

To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2008

Mr. SALAZAR 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 to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of 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 Environmental Improvement Act of 2008”.

1 **SEC. 2. LEADVILLE MINE DRAINAGE TUNNEL.**

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 to read as follows:

5 **“SEC. 705. LEADVILLE MINE DRAINAGE TUNNEL.**

6 “The Secretary shall operate and maintain the
7 Leadville Mine Drainage Tunnel in a manner that protects
8 human health and environment.”.

9 **SEC. 3. WATER QUALITY INVESTIGATIONS.**

10 Section 708 of the Reclamation Projects Authoriza-
11 tion and Adjustment Act of 1992 (Public Law 102–575;
12 106 Stat. 4657) is amended—

13 (1) by striking sections (a) through (d) and in-
14 serting the following:

15 “(a) DEFINITION OF STUDY AREA.—In this section,
16 the term ‘study area’ includes—

17 “(1) the Leadville Mine Drainage Tunnel;

18 “(2) groundwater and surface water, including
19 tributaries, affected by any blockage of that Tunnel;
20 and

21 “(3) the upper Arkansas River watershed, from
22 the headwaters of the east fork of that River to the
23 confluence with Two-Bit Gulch.

24 “(b) STUDY AND REPORT.—The Secretary, in co-
25 operation with the State of Colorado, the Administrator

1 of the Environmental Protection Agency, and other Fed-
2 eral agencies, shall—

3 “(1) investigate the study area; and

4 “(2) not later than 1 year after the date of en-
5 actment of the Leadville Mine Drainage Tunnel En-
6 vironmental Improvement Act of 2008, and annually
7 thereafter until the study required by this section is
8 complete, submit to the State, the Administrator,
9 and Congress a report that describes whether, and
10 how, any blockages in the Leadville Mine Drainage
11 Tunnel have affected, or are affecting, water quality
12 and aquatic life in the study area.”;

13 (2) in subsection (e), by striking “(e) Nothing”
14 and inserting the following:

15 “(c) CERCLA.—Nothing”; and

16 (3) by striking subsection (f) and inserting the
17 following:

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated—

20 “(1) to carry out section 707, such sums as are
21 necessary; and

22 “(2) to carry out this section—

23 “(A) \$500,000 for use in planning and
24 carrying out investigations; and

1 “(B) such additional sums as are nec-
2 essary.”.

3 **SEC. 4. ENVIRONMENTAL REMEDIATION.**

4 Title VII of the Reclamation Projects Authorization
5 and Adjustment Act of 1992 (Public Law 102–575; 106
6 Stat. 4655) is amended by adding at the end the following:

7 **“SEC. 709. ENVIRONMENTAL REMEDIATION.**

8 “(a) MINE POOL.—The Secretary, in conjunction
9 with the Administrator of the Environmental Protection
10 Agency and the State of Colorado, shall—

11 “(1) immediately take such actions as are nec-
12 essary to reduce the water level in the mine pool as-
13 sociated with the Leadville Mine Drainage Tunnel,
14 in a manner consistent with subsection (b), to pre-
15 vent the risk of a catastrophic rupture and flood;
16 and

17 “(2) thereafter, take such actions as are nec-
18 essary—

19 “(A) to maintain the water level in the
20 mine pool at a safe level; and

21 “(B) prevent further mine pool migration.

22 “(b) CALIFORNIA GULCH SUPERFUND SITE OPER-
23 ABLE UNIT 6.—

24 “(1) IN GENERAL.—As soon as practicable
25 after the date of enactment of this section, the Sec-

1 retary, in conjunction with the Administrator of the
 2 Environmental Protection Agency and the State of
 3 Colorado, shall implement those portions of the rem-
 4 edy selected by the Administrator of the Environ-
 5 mental Protection Agency, dated September 2003,
 6 and any modifications or amendments to the rem-
 7 edy, including explanations of significant differences,
 8 for the California Gulch Superfund Site that pertain
 9 to managing the Leadville Mine Drainage Tunnel
 10 and related mine pool.

11 “(2) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
 13 this subsection \$40,000,000.”.

14 **SEC. 5. TECHNICAL AMENDMENTS.**

15 The table of contents for the Reclamation Projects
 16 Authorization and Adjustment Act of 1992 (Public Law
 17 102–575; 106 Stat. 4600) is amended—

18 (1) by striking the item relating to section 705
 19 and inserting the following:

“Sec. 705. Leadville Mine Drainage Tunnel.”;

20 and

21 (2) by adding at the end of the items relating
 22 to title VII the following:

“Sec. 709. Environmental remediation.”.

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