

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

LLS NO. M16-0199.01 Jennifer Berman x3286

**SJM16-001**

---

**SENATE SPONSORSHIP**

**Roberts,**

**HOUSE SPONSORSHIP**

**Coram and Mitsch Bush,**

---

**Senate Committees**

Agriculture, Natural Resources, & Energy

**House Committees**

Agriculture, Livestock, & Natural Resources

---

**SENATE JOINT MEMORIAL 16-001**

101     **CONCERNING PROTECTION FROM LIABILITY FOR VOLUNTARY**  
102     **RECLAMATION OF ABANDONED HARD ROCK MINES.**

---

1           WHEREAS, Mining began in Colorado in the mid-1800s; and

2           WHEREAS, Mining was the most significant industry in Colorado  
3     in the nineteenth and early twentieth centuries and it remains an important  
4     industry today, currently accounting for more than 57,000 jobs in  
5     Colorado and nearly \$7 billion of Colorado's annual gross domestic  
6     product; and

7           WHEREAS, Until the 1977 enactment of the "Colorado Mined  
8     Land Reclamation Act", article 32 of title 34 of the Colorado Revised  
9     Statutes, neither comprehensive environmental standards for mining nor  
10    reclamation of previously mined lands were required by state law; and

HOUSE  
Final Reading  
March 18, 2016

SENATE  
Amended Final Rdg  
February 19, 2016

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.

1           WHEREAS, Modern mines in Colorado have won state and  
2           national acclaim for outstanding reclamation and safety practices; and

3           WHEREAS, Despite the stringent environmental regulations now  
4           in place for modern mines, abandoned hard rock mines that were closed  
5           before the regulations took effect and without the benefit of reclamation  
6           (abandoned hard rock mines) continue to threaten the public health,  
7           safety, and environment of Colorado; and

8           WHEREAS, Acid mine drainage from the abandoned hard rock  
9           mines threatens to pollute nearby streams with heavy metals such as  
10           cadmium, manganese, aluminum, and zinc; and

11           WHEREAS, According to the U.S. Environmental Protection  
12           Agency, it would cost \$35 billion or more to remediate the half-million  
13           abandoned hard rock mines in the United States; and

14           WHEREAS, The Colorado Division of Reclamation, Mining and  
15           Safety (DRMS) estimates that there are more than 22,000 abandoned hard  
16           rock mines across Colorado and that at least 500 of them are polluting  
17           streams; and

18           WHEREAS, The Gold King Mine spill on August 5, 2015,  
19           discharged 3 million gallons of acid mine drainage from the abandoned  
20           Gold King Mine near Silverton, Colorado, into the Animas River. The  
21           contaminants turned the river a mustard yellow color and required the  
22           river to be temporarily closed for recreation, fishing, irrigation, and  
23           drinking water purposes; and

24           WHEREAS, As of August 11, 2015, the Gold King Mine  
25           continued to spill 500 to 770 gallons of waste water per minute; and

26           WHEREAS, While the DRMS has already made more than 6,000  
27           abandoned hard rock mines safe in Colorado according to its web site, the  
28           Gold King Mine spill is sobering evidence that much more work needs to  
29           be done to remediate abandoned hard rock mines; and

30           WHEREAS, Various nonprofit organizations, corporate entities,  
31           and communities with expertise in mine reclamation have expressed  
32           interest in helping to remediate abandoned hard rock mines; and

1           WHEREAS, These Good Samaritan groups are discouraged from  
2 remediating abandoned hard rock mines because of the threat of liability  
3 under the "Clean Water Act" (CWA) and the "Comprehensive  
4 Environmental Response, Compensation, and Liability Act of 1980"  
5 (CERCLA) for such third-party reclamation efforts; and

6  
7           WHEREAS, While Good Samaritan legislation provides an  
8 important opportunity for third-party reclamation efforts, it should not  
9 excuse from liability those entities that, under existing environmental  
10 regulations, bear responsibility for remediation of historic mines; and

11  
12           WHEREAS, Public and local watershed input is critical for any  
13 proposed plan to remediate an abandoned hard rock mine; and

14  
15           WHEREAS, Good Samaritan legislation should not be considered  
16 a substitute for comprehensive reforms, including adequate federal  
17 funding, for the remediation of abandoned hard rock mines across the  
18 state and region; and

19  
20           WHEREAS, Previous Congresses have introduced legislation to  
21 provide Good Samaritan liability exemptions under the CWA and  
22 CERCLA, but such legislation has not been signed into law; now,  
therefore,

23  
24           *Be It Resolved by the Senate of the Seventieth General Assembly*  
of the State of Colorado, the House of Representatives concurring herein:

25  
26           That we, the members of the Colorado General Assembly, urge  
27 Congress to pass legislation establishing a Good Samaritan exemption  
28 from liability under the CWA and CERCLA as an important step toward  
29 preventing another disaster like the Gold King Mine spill and remediating  
30 all other draining abandoned hard rock mines in Colorado.

31  
32           *Be It Further Resolved*, That copies of this Joint Memorial be sent  
to the members of Colorado's congressional delegation.