

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

MEMORIAL A

LLS NO. R16-0199 Jennifer Berman x3286

SENATE JOINT MEMORIAL

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Coram and Mitsch Bush,

BILL TOPIC: "Good Samaritan Remediation Abandoned Mines"

SENATE JOINT MEMORIAL

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

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

13 WHEREAS, Despite the stringent environmental regulations now
14 in place for modern mines, abandoned hard rock mines that were closed
15 before the regulations took effect and without the benefit of reclamation
16 (abandoned hard rock mines) continue to threaten the public health,
17 safety, and environment of Colorado; and

1 WHEREAS, Acid-mine drainage from the abandoned hard rock
2 mines threatens to pollute nearby streams with heavy metals such as
3 cadmium, manganese, aluminum, and zinc; and

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

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

11 WHEREAS, The Gold King Mine spill on August 5, 2015,
12 discharged 3 million gallons of acidic mine drainage from the abandoned
13 Gold King Mine near Silverton, Colorado, into the Animas River. The
14 contaminants turned the river a mustard yellow color and required the
15 river to be temporarily closed for recreation, fishing, irrigation, and
16 drinking water purposes; and

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

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

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

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

31 WHEREAS, Previous Congresses have introduced legislation to
32 provide Good Samaritan liability exemptions under the CWA and
33 CERCLA, but such legislation has not been signed into law; now,
34 therefore,

35 *Be It Resolved by the Senate of the Seventieth General Assembly*
36 *of the State of Colorado, the House concurring herein:*

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

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