

Calendar No. 284112TH CONGRESS
2^D SESSION**S. 1047****[Report No. 112-122]**

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

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011, by Mr. BINGAMAN, without amendment

A BILL

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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”.

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

7 Section 703 of the Reclamation Projects Authoriza-

8 tion and Adjustment Act of 1992 (Public Law 102–575;

9 106 Stat. 4656) is amended to read as follows:

11 **“SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.**

12 **“(a) LEADVILLE MINE DRAINAGE TUNNEL.—**The

13 Secretary shall take any action necessary to maintain the

14 structural integrity of the Leadville Mine Drainage Tun-

15 nel—

16 **“(1)** to maintain public safety; and

17 **“(2)** to prevent an uncontrolled release of water

18 from the tunnel portal.

19 **“(b) WATER TREATMENT PLANT.—**

20 **“(1) IN GENERAL.—**Subject to section 705, the

21 Secretary shall be responsible for the operation and

22 maintenance of the water treatment plant authorized

23 under section 701, including any sludge disposal au-

24 thorized under this title.

25

1 “(2) AUTHORITY TO OFFER TO ENTER INTO
 2 CONTRACTS.—In carrying out paragraph (1), the
 3 Secretary may offer to enter into 1 or more con-
 4 tracts with any appropriate individual or entity for
 5 the conduct of any service required under paragraph
 6 (1).”.

7 **SEC. 3. REIMBURSEMENT.**

8 Section 705 of the Reclamation Projects Authoriza-
 9 tion and Adjustment Act of 1992 (Public Law 102–575;
 10 106 Stat. 4656) is amended—

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

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

15 (2) by striking “Drainage Tunnel” and insert-
 16 ing “Drainage Tunnel (which includes any surface
 17 water diverted into the Leadville Mine Drainage
 18 Tunnel and water collected by the dewatering relief
 19 well installed in June 2008)”; and

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

21 “(b) EXCEPTION.—The Secretary may—

22 “(1) enter into an agreement with any other en-
 23 tity or government agency to provide funding for an
 24 increase in any operation, maintenance, replacement,
 25 capital improvement, or expansion cost that is nec-

1 essary to improve or expand the treatment plant;
2 and

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

6 **SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND**
7 **TREATMENT PLANT.**

8 Section 708(a) of the Reclamation Projects Author-
9 ization and Adjustment Act of 1992 (Public Law 102-
10 575; 106 Stat. 4657) is amended—

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

13 “(a) IN GENERAL.—

14 “(1) AUTHORIZATION.—The Secretary”;

15 (2) by striking “Neither” and inserting the fol-
16 lowing:

17 “(2) LIABILITY.—Neither”;

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

20 “(3) FACILITIES COVERED UNDER OTHER
21 LAWS.—

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

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

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

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

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

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

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

3 “(5) DEFINITION OF UPPER ARKANSAS RIVER
4 BASIN.—In”.

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

6 Section 708(f) of the Reclamation Projects Author-
7 ization and Adjustment Act of 1992 (Public Law 102-
8 575; 106 Stat. 4657) is amended by striking “sections 707
9 and 708” and inserting “this section and sections 703,
10 705, and 707”.

11 **SEC. 6. CONFORMING AMENDMENT.**

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

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

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