

111TH CONGRESS
2^D SESSION

S. 3404

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 24, 2010

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.

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 2010”.

1 **SEC. 2. TUNNEL MAINTENANCE.**

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. TUNNEL MAINTENANCE.**

6 “The Secretary shall take such steps to repair and
 7 maintain the structural integrity of the Leadville Mine
 8 Drainage Tunnel as may be necessary to maintain the
 9 Leadville Mine Drainage Tunnel in safe condition and to
 10 preclude uncontrolled release of water.”.

11 **SEC. 3. WATER QUALITY RESTORATION.**

12 (a) IN GENERAL.—Section 708(a) of the Reclamation
 13 Projects Authorization and Adjustment Act of 1992 (Pub-
 14 lic Law 102–575; 106 Stat. 4657) is amended—

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

17 “(a) IN GENERAL.—

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

19 (2) by striking “Neither” and inserting the fol-
 20 lowing:

21 “(2) LIABILITY.—Neither”;

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

24 “(3) FACILITIES COVERED UNDER OTHER
 25 LAWS.—

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

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

5 “(B) RECLAMATION TREATMENT PLANT.—
6 The Secretary may treat water delivered
7 through the Leadville Mine Drainage Tunnel
8 (referred to in this paragraph as the ‘Tunnel’),
9 including—

10 “(i) surface water diverted into the
11 Tunnel; or

12 “(ii) water collected by the dewatering
13 relief well installed in June of 2008.

14 “(3) AUTHORIZATION OF SECRETARY.—The
15 Secretary may—

16 “(A) improve and expand the Reclamation
17 Treatment Plant; and

18 “(B) develop processes under which the
19 treatment of any water in the Treatment Plant
20 (excluding historical flows through the Tunnel
21 and water collected by the dewatering relief well
22 installed in June of 2008) could be made a re-
23 imbursable expense.

24 “(4) DUTY OF SECRETARY.—If the Adminis-
25 trator of the Environmental Protection Agency pro-

1 poses to amend or issue a new Record of Decision
 2 for operable unit 6, the Administrator shall consult
 3 with the Secretary on each feature of the proposed
 4 new or amended Record of Decision that may re-
 5 quire alterations to, or otherwise affect, the oper-
 6 ation or maintenance of the Tunnel or Reclamation
 7 Treatment Plant.”; and

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

10 “(5) DEFINITION OF UPPER ARKANSAS RIVER
 11 BASIN.—In”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 13 708(f) of the Reclamation Projects Authorization and Ad-
 14 justment Act of 1992 (Public Law 102–575; 106 Stat.
 15 4657) is amended by striking “sections 707 and 708” and
 16 inserting “this section and sections 705 and 707”.

17 (c) CONFORMING AMENDMENT.—The table of con-
 18 tents of title VII of the Reclamation Projects Authoriza-
 19 tion and Adjustment Act of 1992 (Public Law 102–575;
 20 106 Stat. 4601) is amended by striking the item relating
 21 to section 705 and inserting the following:

“Sec. 705. Tunnel maintenance.”.

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