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State mining board finalizes uranium, prospecting rules

Rulemaking establishes strong groundwater protections for in-situ mining

DENVER, Colo. – The Mined Land Reclamation Board today established new rules to protect Colorado’s groundwater during in-situ uranium mining, revised existing rules regarding the disclosure of additional information during prospecting activities and updated hard rock mining fees.

The rulemaking implements a trio of laws passed during the 2008 legislative session that were driven in part by concerns over the potential impact on groundwater from in-situ uranium mining, a developing technology that uses chemical solutions to leach uranium from underground rock formations.

The rulemaking revises the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations to implement changes to the Colorado Mined Land Reclamation Act, which was amended by the passage of SB 08-228, SB 08-169 and HB 08- 1161. The Division of Reclamation, Mining and Safety is charged with implementing the Mined Land Reclamation Act.

“These rules will protect our groundwater resources by requiring baseline characterization and grant much greater transparency to the impacted communities regarding the proposed mining activities,” said Mike King, executive director of the Department of Natural Resources and a member of the Mined Land Reclamation Board. “DRMS did a remarkable job in framing the issues, incorporating public concerns and developing a truly balanced set of regulations.”

Among the key provisions of the new rules:

- All uranium mines are now Designated Mining Operations, requiring detailed environmental protection plans.
- In-situ leach uranium mine applications must protect groundwater to existing conditions or to state ground water standards.
- In-situ leach uranium mine applications must demonstrate that the proposed mining technology has been used at five other locations without harming groundwater quality.

- In-situ leach uranium mine applications must include detailed baseline hydrology information.
- In-situ leach uranium mine applicants cannot receive a permit if the applicant is in violation at another operation.
- Prospecting notices are now largely public information.
- Public comment is now allowed on prospecting notices.
- DRMS may now assess in-situ leach uranium mine applicants for extraordinary costs associated with permit reviews.

During today's hearing, the MLRB adopted two changes to the revised draft rules posted on the DRMS web page January 26, 2010. The first requires in-situ uranium mining applicants to conduct baseline groundwater characterization studies prior to commencing prospecting activities. The draft rules only required that groundwater studies be completed prior to mining. The second gives third parties that can demonstrate legal standing the opportunity to appeal prospecting decisions.

"Groundwater is one of Colorado's most precious resources," said Loretta Piñeda, DRMS' director. "These rules ensure that industry must be able to demonstrate that in-situ mining can be done safely before they are allowed to use this technology to develop Colorado's uranium resources."

Following today's action by the MLRB, the rules must be reviewed by the Attorney General for consistency with statute and the state Constitution. Following the Attorney General's review, the final rules will be published by the Secretary of State and become effective 20 days later.

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Additional information on the rulemaking may be found at: <http://dnr.state.co.us/>