

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# **S. 1047**

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## **AN ACT**

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           “(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.”.

Passed the Senate December 30, 2012.

Attest:

*Secretary.*



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