



TO: Stan Dempsey, Jr., President
Colorado Mining Association (CMA)
CMA Board of Directors
CMA Committees
FROM: Dianna L. Orf
RE: Govt. Affairs Report
DATE: August 7, 2018

Referred Measures and Ballot Initiatives

August 6 was the deadline for several ballot initiatives to submit petition signatures in order to qualify for the November ballot. Seven were turned in, including two competing proposals to fund transportation, and an oil/gas setback requirement of 2500 feet. In addition, a broadly worded measure on compensation for lowering the fair market value of private property rights was turned in August 3 and a tax increase for public education was submitted on August 11. The Secretary of State's office has 30 days from the date of submittal to review the signatures to determine sufficiency.

In addition to any initiatives that may appear on the ballot, several measures referred by the legislature will appear:

Amendment X – defines Industrial Hemp to be the same as that in federal law, or as defined in state statute (currently it is in the state constitution which makes it difficult to change when federal law changes).

Amendment V – lowers the age for an individual to serve in the state legislature from 25 years of age to 21.

Amendment Y – changes the process for redrawing congressional districts in the state.

Amendment Z – changes the manner in which legislative districts are reapportioned.

Stakeholder Groups

Air Fee Discussions. A stakeholder group created under HB 18-1400 has met twice to discuss issues concerning practices and procedures of the Air Pollution Control Division. Those meetings have focused primarily on identifying issues for discussion and the level of detail that should be included. To date, there is some frustration among industry participants that there has been insufficient information about current practices at the division to understand where efficiencies may be found. Concern over new permit requirements and changing standards for permit renewals (thus leading to lengthier permit reviews) elicited the comment "We encourage our engineers to look for things that might have been overlooked in previous reviews". The group will meet again on August 13 at which time the division will present information on its current practices and industry will respond regarding the scope and detail of the stakeholder review.

TENORM Regulations. A stakeholder process initiated pursuant to SB 18-045 held its first meeting July 11, with future meetings put on hold until a consultant could be hired by the CDPHE. The consultant will, among other things, prepare a report to the legislature on the stakeholder process itself as rules are developed. The report must be presented to the legislature by December 31, 2019 and regulations must be adopted by December 31, 2020. Currently the department is accepting comments until October 31 concerning the topics and scope of the process. CMA is most concerned that current definitions and practices to assure that TENORM regulations do not cover NORM (naturally occurring radioactive materials) or “rocks and dirt”. These materials are, when the level of radiation is sufficiently high, already covered under the radiation control act. CMA plans to develop comments with the assistance of its members.

Water Fee Discussions. The Water Quality Control Division has considered permittee feedback on its first annual report and has responded to stakeholder feedback.
<https://environmentalrecords.colorado.gov/HPRMWebDrawer/RecordView/1207882>
Division staff reported to the Water Resources Review Committee on June 19 and discussed stakeholder feedback again before the legislative committee on August 7, as well as responding to questions posed by legislators at the previous meeting.

Legislative Interim Committees and 2019

Legislative Interim Committees (Water Resources, Wildfire, Transportation Legislation and others) face earlier dates for requesting draft bills due to the requirement for not only draft legislative language but a draft fiscal analysis as well. Once drafted and approved by the requisite members of each committee, bills are then presented to the Legislative Council (leadership of both chambers) for final approval prior to introduction in January.

At the Water Resources Review Committee today, Rep. Dylan Roberts requested that staff draft a version of HB **18-1301**, which he sponsored last session and saw defeated in the Senate. There has been no discussion of mining related issues or other presentations that would lay the groundwork for this bill in the Interim. He referred to it as necessary to provide monitoring and protecting water quality for future mining operations. The committee will consider whether to recommend the draft as an Interim Committee sponsored bill at its Sept. 27 meeting.

An interim study committee to explore alternatives to dealing with the **Gallagher Amendment** to the state constitution (holding residential property assessments to a ratio of non-residential) and the interplay with TABOR continues to meet. Previous meetings were held at the Capitol July 13 and in Glenwood Springs July 18. The committee will meet again in Pueblo August 17, and at the Capitol August 21 and October 3.

Pursuant to HJR 18-1021, the Legislature will **convene January 4** in 2019 on a Friday instead of the usual Wednesday start date. Following the November 6 General Election, newly elected legislators will begin orientation in three phases: November 9, December 3-5, and Dec. 17-18. The earlier start date means that, under the amended Joint Rules, three of the returning members’ allotted five bill requests must be filed by November 26. New legislators have until December 10 to request three of their 5 bills.

People on the Move

Mike Silverstein, Administrator for the Air Quality Control Commission, will leave CDPHE to become Executive Director of the Denver Regional Air Quality Council (RAQC) at the end of August, replacing **Ken Lloyd** who is retiring. Silverstein has been with the department both at the Air Pollution Control Division and the Commission since. Steven McCannon will serve as Temporary Interim Executive Director pending Silverstein's arrival.

Dr. Larry Wolk, Executive Director of the CDPHE, will leave the agency at the end of August to take a job in California. Until a new department head is appointed (likely after the new Administration is in place) Deputy Director Karin McGowan will serve as Interim Director.

Gary Baughman, Director of Hazardous Materials and Waste Management at CDPHE, has retired and is replaced by **Jennifer Opila**, former Radiation Program Manager.

The Governor has appointed **Stephen Wayne Laramore** of Craig, to serve on the Coal Mine Board of Examiners as a coal mine owner, operator, manager, or other mine official actively engaged in surface mining For a term expiring July 1, 2022.

David Ludlam, Executive Director of West Slope COGA (Colorado Oil and Gas Association) left that position become head of public relations for Colorado Mesa University on August 1. His successor has not yet been named.

In Case You Missed It: Shortly after the legislature adjourned the Governor announced the appointment of the following individuals to the Water Quality Control Commission for terms expiring February 15, 2021:

- **Joan Card** of Boulder, appointed;
- **Richard Clark Hum** of Nathrop, reappointed;
- **Troy Glen Waters** of Fruita, appointed.