

# Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection  
Bureau Mining Regulation & Reclamation

## Clarification of Certain Fee Categories for Mining Facility Permits

Legislative Review of Adopted Regulations as Required  
By Administrative Procedures Act, NRS 233B.066

### State Environmental Commission (SEC) Petition 2006-15 – LCB File 138-06

This regulation amends NAC 445A.232. The regulation provides clarification in the description for several fee categories of mining facility permits. As way of background, Nevada Revised Statutes (NRS) 445A.425 establishes authority to adopt regulations to maintain the quality of the waters of the State. And pursuant to the State Water Pollution Control Law, authority is granted regarding fees for water pollution control permits.

Water Pollution Control Permits for mining operations are categorized by the specific type of operation and the capacity of the submitted facility designs. The current fee categories describe dewatering of a mine by the gallons of process water discharged or by the tonnage the mine facilities chemically process.

This proposed regulation changes the language from discharge of process water to discharge of dewatering water; it also clarifies the tonnage categories by the tonnage the facility is designed to process.

#### **1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Nevada Division of Environmental Protection (NDEP) held 2 workshops on the above referenced regulation. The purpose of the workshops was to inform the public and regulated community about the proposed regulatory changes and solicit comments from interested persons. Time and location of the workshop are noted below.

#### **Carson City**

August 22, 2006 10:00 a.m. –12:00 p.m.  
Nevada State Library  
100 N. Stewart Street  
Carson City, Nevada 89701

#### **Elko**

August 23, 2006 9:00 a.m. – 11:00 a.m.  
Elko Bureau of Land Management Field Office  
3900 East Idaho Street  
Elko, Nevada 89801

In addition to the workshops noted above, the State Environmental Commission (SEC) held a public hearing to consider this regulation on September 06, 2006 at the at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

**2. The number persons who attended the SEC Regulatory Hearing:**

- (a) Attended SEC hearing on Sept 9<sup>th</sup> 2006; 70
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: (none)

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list.

Regarding the regulatory hearing, the regulation was noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates: Monday, August 15, 2006, Monday, August 22, 2006 and Monday, August 29, 2006

The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The workshop notice, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at:

[http://www.sec.nv.gov/main/hearing\\_0906.htm](http://www.sec.nv.gov/main/hearing_0906.htm)

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

**5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.**

No anticipated economic effects will result from adoption of this regulation

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

**8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

The regulation is no more stringent than what is established by federal law.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not address fees changes.