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Executive Secretary

**March 15, 2006**

Ms. Brenda Erdoes, Legislative Counsel

C/o **Debra. Corp**  
Legislative Counsel Bureau (LCB), Legal Division  
401 South Carson Street  
Carson City, Nevada 89701-4747

**Filing Statement -- Regulation R189-05: Mercury Air Emission  
Permitting Program For Precious Metal Mining Facilities:**

Dear Ms. Erdoes;

Enclosed is a copy of the permanent regulation (referenced above) that was adopted by the State Environmental Commission (SEC) on March 08, 2006. In adopting the regulation, the SEC made changes to 12 specific sections; these changes are delineated on the one page errata sheet attached to the front of the regulation. These changes are also "hand written" on the enclosed copy.

This regulation will authorize a new permitting program by the Nevada Division of Environmental Protection (NDEP). The new program will regulate mercury air emissions from precious metals mining companies that process mercury-containing ore and use thermal treatment processes. While NDEP has an existing voluntary program, to reduce mercury emissions from these mining activities, this regulation will make the program permanent and inclusive for all mining activities utilizing treatment process that emit mercury to the atmosphere.

It is my understanding that the Legislative Commission's subcommittee to review regulations is tentatively scheduled to meet in April of this year. Because NDEP can only implement the new Nevada Mercury Air Emissions Control Program after the regulation becomes effective, the leadership at NDEP would like to be advised of the time and date of the subcommittees meeting.

Also attached is the filing statement required by NRS 233B.066, the SEC form for filing administrative regulations with the Secretary of State, and a program summary document titled "Nevada Mercury Air Emissions Control Program." The program summary document presents a "non-regulatory" description of the mercury control program.

If you have any questions about these documents please contact me at 687-9308.

Sincerely,

John B. Walker  
Executive Secretary

JBW

Enclosure

cc: David Newton, Deputy Attorney General  
Leo Drozdoff, P.E. Administrator  
Tom Porta, P.E, Deputy Admin  
Colleen Cripps, Deputy Admin.  
Mike Elges, BAPC  
Jennifer Carr, BAQP