

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING REGULATION AND RECLAMTION**

June 2006

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS.
Form #1**

1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.

**David Gaskin, P.E. Bureau Chief
Bureau of Mining Regulation and Reclamation
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
775-687-9397**

Date of Petition: June 2006

Representative Capacity: Chief, Bureau of Mining Regulation and Reclamation, Nevada Division of Environmental Protection.

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary.

The petitioner is a governmental agency - the State of Nevada's Department of Conservation and Natural Resources - Nevada Division of Environmental Protection - Bureau of Mining Regulation and Reclamation. The petitioner's business is environmental regulation of the mining industry in Nevada

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved.

The proposed changes are modifications to a single regulation - (NAC 445A.430 Stabilization of spent ore. The proposed regulation revises mine operator responsibility with respect to spent ore and also clarifies some acceptable methods to demonstrate stabilization of spent ore.

4. A statement of the need for and purpose of the proposed regulations.

The existing language in the regulation does not reflect the changes/ advancements in the very technical field of spent ore stabilization that have occurred since the regulation was promulgated. The proposed changes are designed to clarify operator responsibilities and stabilization methods/options with regards to stabilization of spent ore.

5. A statement of the:
- (a) Estimated economic effect of the regulation on the business which it is to regulate;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
 - (b) Estimated economic effect on the public;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
 - (c) Estimated cost by the agency for enforcement of the proposed regulation.

(a)(1) By clarifying operator responsibilities and stabilization methods/ options, the economic effects on the regulated community should be beneficial.

(a)(2) The beneficial effects should occur both in the immediate and long-term.

(b)(1) The proposed revision should have no economic effect on the public.

(b)(2) See (b)(1)

(c) There should be no additional cost for enforcement of this regulation.

6. 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.

This regulation does not overlap nor duplicate any other state or government agency regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

See answer to number 6 above.

8. 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.

There is no new fee or increase in existing fee proposed.