

Nevada Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

**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.*

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Chief, Bureau of Mining Regulation & Reclamation
Nevada Division of Environmental Protection
Department of Conservation & Natural Resources
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(775) 687-9397
April 1, 2006

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 Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.

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.*

Nevada Revised Statutes (NRS) 445A.425 establishes the authority of the State Environmental Commission (SEC) to adopt regulations to maintain the quality of the waters of the State pursuant to the State Water Pollution Control Law. NRS 445A.430 establishes specific authority of the SEC regarding fees for water pollution control permits.

SPECIFIC CHANGES:

The NDEP is proposing a clarification in the category descriptions related to mining operations under Nevada Administrative Code (NAC) 445A.232.

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

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. The proposed regulation corrects the language that the discharge is of dewatering water and not process water, and clarifies the tonnage categories by the tonnage the facility is designed to process.

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.*

The proposed regulation does not include any change in the existing fees; and as such, there are no anticipated changes in the economic effect of the proposed regulation to the mining industry, the public or the agency.

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.*

The proposed regulation is specific to the fee categories of water pollution control permits issued by the NDEP for mining facilities in the State of Nevada; and as such, the regulation neither overlaps nor duplicates 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 response to # 6 above, the proposed regulation is specific to permits issued for a State regulatory program and is unrelated to any federal regulation.

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.*

No increase in the existing permit fees is being proposed at this time.

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