

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R186-18

September 4, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 444.560; §2, NRS 459.485; §§3, 5 and 17, NRS 445A.425, 445A.465 and 445A.590; §4, NRS 445A.425, 445A.465 and 445A.595; §6, NRS 445A.270; §§7-12, NRS 445A.270 and 445A.295; §13, NRS 445A.135; §§14-16, NRS 445A.135 and 445A.160; §18, NRS 519A.160

A REGULATION relating to public notice; revising requirements for the publication of certain public notices of certain actions relating to the environment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations require publishing in a newspaper public notice of certain information relating to: (1) an application for a permit to operate a solid waste disposal site; (2) a proposed facility or mobile unit for the recycling of hazardous waste; (3) an application for a permit to discharge pollutants into the waters of the State; (4) certain public hearings related to water pollution control; (5) an application for a permit to construct, operate and close a mining facility; (6) a workshop held by the Division of Environmental Protection of the State Department of Conservation and Natural Resources related to a proposed water project or certain proposed actions or determinations; (7) notice of the Division's intent to grant a categorical exclusion of an applicant for a water project to prepare an environmental assessment; (8) notice of certain findings of the Division related to the potential impact of a water project; (9) the Division requiring an applicant to prepare an environmental impact statement for a proposed water project; (10) notice of the availability of a draft environmental impact statement related to a proposed water project; (11) the Division's intention to reevaluate a decision regarding a final environmental impact statement related to a water project; (12) notice of the Division's approval of a categorical exclusion of a wastewater treatment works from certain environmental review processes; (13) the Division's finding that a proposed wastewater treatment works project will not have a significant environmental impact or that an environmental impact statement related to such a project is required; (14) the draft of a permit for an underground injection well or tentative exemption for an aquifer or the Division's intent to deny a permit; and (15) the Division's intent

to issue or deny a permit for a mining exploration project or operation to be conducted on private land. (NAC 444.641, 444.84555, 445A.234, 445A.239, 445A.402, 445A.67558, 445A.67584, 445A.67589, 445A.67595, 445A.67597, 445A.67612, 445A.745, 445A.751, 445A.756, 445A.875, 519A.185) **Sections 1-7, 9-12 and 14-18** of this regulation require instead that the public notice be provided on an Internet website designed to provide general public notice unless federal law requires otherwise.

Under existing regulations, an applicant for certain projects is required to publish public notice in a newspaper of general circulation in this State for certain actions, including a public workshop on a draft environmental assessment for a proposed water project and a public hearing on a facility plan for a proposed wastewater treatment works or pollution control project. (NAC 445A.675875, 445A.738) **Sections 8 and 13** of this regulation require an applicant to instead post the public notice in a newspaper of general circulation or on an Internet website designed to provide general public notice that has been approved by the Division, unless federal law requires otherwise.

Section 1. NAC 444.641 is hereby amended to read as follows:

444.641 1. A solid waste management authority shall, within 45 days after receiving an application for a permit to operate a disposal site, notify the applicant as to whether the application is complete or deficient in content. A determination of completeness must be based on whether the application contains all specified documents and supporting information required by NAC 444.677, 444.705 or 444.733, as applicable. The solid waste management authority may require the submittal of any such additional documents or information as it deems necessary and may specify the period within which the documents or information must be submitted to the authority.

2. If the solid waste management authority determines that an application is complete, the authority shall evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations. If the solid waste management authority

determines that the application does not comply with all applicable statutes and regulations, it shall mail a notice to the applicant. The notice must specify:

- (a) Each statute or regulation with which the applicant has failed to comply;
- (b) Any documents or other information which the applicant is required to submit to the authority; and
- (c) The period within which the applicant is required to submit to the authority the documents or other information requested pursuant to paragraph (b).

3. Upon completion of the evaluation, the solid waste management authority shall prepare and issue:

- (a) A notice of intent to issue or deny the issuance of the permit. The notice must:
 - (1) Be sent to the applicant and the local governing body in the area in which the disposal site is to be located ~~{}~~ and , *unless otherwise required by federal law*, published ~~{in a newspaper of general circulation for the area in which the site is located;}~~ *on an Internet website designed to give general public notice.*
 - (2) Summarize the action to be taken by the solid waste management authority;
 - (3) State that the authority will accept comments from the general public for 30 days after the date that the notice is issued; and
 - (4) Describe the procedure for obtaining copies of the documents and comments submitted with the application.

- (b) A factual sheet which describes the proposed facility, the proposed action, the availability of the documents submitted with the application, and the procedure for public review and comment.

Sec. 2. NAC 444.84555 is hereby amended to read as follows:

444.84555 1. An application for a written determination that a proposed facility or mobile unit will operate as a facility for the recycling of hazardous waste or mobile unit for the recycling of hazardous waste must be accompanied by:

- (a) The name and address of the owner and operator of the facility or mobile unit;
- (b) The name and address of the property owner of the location at which a facility is proposed to be constructed;
- (c) A detailed description of the type of recycling which is proposed, including:
 - (1) The manufacturer of the equipment to be used at the facility or mobile unit;
 - (2) The nature of the recycling; and
 - (3) An explanation evidencing that the:
 - (I) Facility is a facility for the recycling of hazardous waste; or
 - (II) Mobile unit is a mobile unit for the recycling of hazardous waste;
- (d) A description of the source and estimated amount of hazardous waste to be recycled on an average day and on a peak day;
- (e) A physical and chemical description of the type of hazardous waste to be accepted by the facility or processed by the mobile unit;
- (f) A detailed economic analysis of the recycling process to be used at the facility or by the mobile unit, including:
 - (1) The projected costs to operate the facility or mobile unit;
 - (2) The fees that would be charged per unit of volume to process waste transported to the facility or processed by the mobile unit;

(3) The projected value that would be recovered per unit of volume; and

(4) The projected costs otherwise to manage, recycle, treat or dispose of the material as a hazardous waste;

(g) A description of the markets and the uses for the products to be produced and the materials and energy to be recovered;

(h) A comparison of the economic and environmental impact of the proposed recycling process to a process which uses material that is not considered waste when producing the same product; and

(i) An operating plan if the facility is a stationary facility and will recycle hazardous waste other than used antifreeze governed by NAC 444.8801 to 444.9071, inclusive, or precious metals governed by 40 C.F.R. Part 266. Such an operating plan must, without limitation, include a description of the procedures that will ensure safe operation and demonstrate compliance with:

(1) The requirements for emergency preparedness and a contingency plan specified in 40 C.F.R. Part 264, Subparts C and D;

(2) The standards for containers and tanks specified in 40 C.F.R. Part 264, Subparts I, J, AA, BB and CC; and

(3) The applicable requirements for closure and financial assurance for closure specified in 40 C.F.R. Part 264, Subparts G and H.

2. The Administrator may require the applicant to submit additional information before issuing a written determination.

3. The Administrator shall not issue a written determination unless he or she determines, based upon the application, that all the following requirements are satisfied:

(a) The facility or mobile unit will be operated as a facility or mobile unit for the recycling of hazardous waste.

(b) The recycling process has economic value. A recycling process has economic value if:

(1) The applicant shows that the material recovered from or the products or energy produced as a result of the process have value in the marketplace; and

(2) The fees that the applicant charges per unit of volume to process the material are less than or equal to the cost otherwise to recycle, manage, treat or dispose of the material as a hazardous waste, except that the fees that the applicant charges per unit of volume may be offset by the recovered unit value of the material recovered from or the products or energy produced as a result of the process.

(c) The probable beneficial environmental effect of the facility or mobile unit to the State outweighs the probable adverse environmental effect.

4. Before issuing a written determination for a facility, the Administrator shall provide for a period of public notice and comment of not less than 45 days. ~~The~~ *Unless otherwise required by federal law, the* request for public comment must be ~~noticed in a local newspaper of general circulation that is published daily or weekly~~ *published on an Internet website designed to give general public notice* and must be sent to all persons on a mailing list developed and maintained by the Administrator. A person may request to be placed on the mailing list by contacting the Administrator. The Administrator shall respond to all comments he or she receives during the period provided for comments before making his or her determination to issue or not to issue a written determination.

5. The Administrator may revoke, suspend or modify a written determination if, at any time, he or she determines that:

(a) A facility or mobile unit no longer satisfies the conditions stated in the application upon which the Administrator issued the written determination;

(b) An applicant misrepresented or failed to disclose fully a relevant fact on his or her application;

(c) The Administrator receives information that was not available at the time the Administrator issued the written determination which would have justified the imposition of different conditions at the time the determination was issued; or

(d) The standards or regulations on which the Administrator based the written determination have been changed.

6. A person may request a hearing before the Commission concerning a final decision of the Administrator to issue, deny, revoke, suspend or modify a written determination by filing a request, not more than 10 days after receiving notice from the Administrator of his or her decision, on Form 3 with the State Environmental Commission, Bryan State Office Building, 901 South Stewart Street, Carson City, Nevada 89701-5249. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the Commission requested pursuant to this section.

Sec. 3. NAC 445A.234 is hereby amended to read as follows:

445A.234 1. Public notice of every complete application for a discharge permit, except for a temporary permit or a permit for pretreatment discharge or the poisoning of trash fish, must be
: ~~circulated in a manner designed to inform interested and potentially interested persons of the~~

~~proposed discharge and of the proposed determination to issue or deny a permit for the discharge. Procedures for the circulation of public notice must include at least the following:}~~

(a) ~~{Notice must be circulated within the geographical area of the proposed discharge by publishing in a local newspaper or periodical or, if the local newspaper is not a daily newspaper, in a daily newspaper of general circulation;}~~ *Unless otherwise required by federal law, published on an Internet website designed to give general public notice; and*

(b) ~~{Notice must be mailed}~~ *Mailed* to any person or group on the mailing list maintained by the Department or upon request.

2. The Director shall add the name of any person or group upon request to a mailing list to receive copies of notices for permit applications.

3. The Director shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the application. All written comments submitted during the 30-day comment period must be retained by the Director and considered in the formulation of his or her final determinations with respect to the permit application. The period for comment may be extended at the Director's discretion.

4. The contents of the public notice of applications for permit must include at least the following:

- (a) The name, address and phone number of the Department;
- (b) The name and address of each applicant;

(c) A brief description of each applicant's activities or operations which result in the discharge described in the application, for example, municipal waste treatment plant, steel manufacturing or drainage from mining activities;

(d) The name of the waterway to which each discharge is made and a short description of the location of each discharge on the waterway, indicating whether such discharge is existing or new;

(e) A statement of the tentative determination to issue or deny a permit for the discharge described in the application;

(f) A brief description of the procedures for the formulation of final determinations including the required 30-day comment period and any other means by which interested persons may influence or comment upon those determinations; and

(g) The address and phone number of the premises at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to subsection 2 of NAC 445A.233, request a copy of the fact sheet and inspect and copy relevant forms and documents.

Sec. 4. NAC 445A.239 is hereby amended to read as follows:

445A.239 1. Public notice of any public hearing held pursuant to NAC 445A.070 to 445A.340, inclusive, must be ~~circulated~~ *provided* at least as widely as was the notice of the permit application. Notice for public hearings held under NAC 445A.238 must be:

(a) Published ~~in at least one newspaper of general circulation within the geographical area of the discharge;~~ *on an Internet website designed to give general public notice;*

(b) Sent to all persons and government agencies which received a copy of the notice or the fact sheet for the permit application;

(c) Mailed to any person or group upon request; and

(d) Given, pursuant to paragraphs (a), (b) and (c), at least 30 days in advance of the hearing.

2. The contents of the public notice of any public hearing must include at least the

following:

(a) Name, address and phone number of the Department;

(b) Name and address of applicants;

(c) Name of the waterway to which the discharge is made and a short description of the location of each discharge to the waterway;

(d) A brief reference to the public notice issued for the permit application, including identification number and date of issuance;

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

(g) A concise statement of the issues raised by the persons requesting the hearing;

(h) Address and phone number of the premises at which interested persons may obtain further information, request a copy of draft permits and fact sheets and inspect and copy application forms and related documents; and

(i) A brief description of the nature of the hearing, including the rules and procedures to be followed.

Sec. 5. NAC 445A.402 is hereby amended to read as follows:

445A.402 1. The Department shall, at least 30 days before the issuance of a permit or denial of an application:

(a) ~~{Circulate a}~~ **Provide** public notice in a manner intended to inform interested and potentially interested persons.

(b) ~~{Cause to be published in a newspaper of general circulation within the geographic area of a proposed facility, a}~~ **Publish** notice of the *Director's* intent to issue the permit or deny the application ~~{}~~ **on an Internet website designed to give general public notice.**

(c) Mail to the applicant and the landowner, if other than the applicant, members of the board of county commissioners of the county in which the facility is to be located, the Division of Minerals ~~{}~~ **of the Commission on Mineral Resources**, the Division of Water Resources of the Department, and any other person or group who so requests, written notice of the intent to issue a permit or deny the application.

2. Notice given pursuant to subsection 1 must include:

(a) The name, address and telephone number of the Department;

(b) The name and address of the applicant;

(c) The location of the proposed facility;

(d) The tentative decision of the Department to issue a permit or deny the application;

(e) A description of the procedure for:

(1) Making a final decision, which must include 30 days for interested persons to submit to the Department written comments on the tentative decision to issue a permit or deny the application; and

(2) Requesting a public hearing, if one has not been scheduled; and

(f) The specific location where interested persons may obtain further information or inspect and copy the draft permit, statement and fact sheet, and other relevant forms or documents.

Sec. 6. NAC 445A.67558 is hereby amended to read as follows:

445A.67558 1. The Division shall, as necessary, provide for a public participation process to provide interested or affected persons a reasonable opportunity to submit to the Division orally or in writing data, views or arguments upon proposed water projects or proposed actions or determinations of the Division.

2. Unless a hearing is required, the Division shall hold a workshop to satisfy the requirements of subsection 1.

3. The Division shall provide notice of the time and place set for the workshop not less than 15 days before the workshop, unless a longer period is required. The Division may provide such notice by:

(a) ~~{Publishing}~~ *Unless otherwise required by federal law, publishing* a single notice ~~{in a newspaper of general circulation in an area affected by the proposed action;}~~ *on an Internet website designed to give general public notice;*

(b) Mailing the notice to each interested person who requests to be on a mailing list maintained by the Division;

(c) Mailing the notice to the appropriate federal and state agencies and municipalities; or

(d) Any other means reasonably calculated to provide such notice to the general public and any person who may be affected.

4. The notice must include:

(a) A description and the location of any proposed water project;

(b) A description of any proposed action or determination of the Division;

(c) Reasons for any preliminary determination by the Division;

(d) The time that the Division will allow for public comments; and

(e) The address where the written comments may be sent.

5. The Division shall clearly indicate the date by which any written comments concerning the subject of the workshop must be received by the Division to receive consideration.

6. In any notice that it provides and at the workshop, the Division shall clearly indicate what actions, if any, may result from the workshop.

Sec. 7. NAC 445A.67584 is hereby amended to read as follows:

445A.67584 1. If the Division determines that a water project is eligible for a categorical exclusion pursuant to NAC 445A.67583, the Division shall provide notice of its intent to grant the categorical exclusion.

2. The notice that the Division provides pursuant to subsection 1 must be:

(a) ~~Published at least once in a newspaper of general circulation throughout the area affected;~~ *Unless otherwise required by federal law, published on an Internet website designed to give general public notice;*

(b) Provided to persons potentially affected by the water project, including, without limitation, adjacent landowners;

(c) Mailed by the Division to each person included on a mailing list maintained by the Division;

(d) Provided to appropriate federal and state agencies; and

(e) Submitted to the state clearinghouse for review by other federal and state agencies.

3. The notice must include:

- (a) A description and location of the proposed water project, or proposed action or determination of the Division;
- (b) Reasons supporting the Division's preliminary determination of eligibility of a water project for categorical exclusion;
- (c) A statement that the Division may grant a categorical exclusion and the process of environmental review shall be deemed to be complete if no comments that the Division determines to be significant are received within the time allowed for public comment;
- (d) A statement of whether the water project is being funded in whole or in part by federal funds;
- (e) The time that the Division will allow for public comment; and
- (f) The address to which written comments may be sent.

4. The period for public comment concerning the determination that a water project is eligible for categorical exclusion is 30 days after the Division has provided the notice in the manner set forth in subsection 2.

Sec. 8. NAC 445A.675875 is hereby amended to read as follows:

445A.675875 1. An applicant shall, as necessary, provide for a public participation process to provide interested or affected persons a reasonable opportunity to submit to the applicant, orally or in writing, data, views or arguments upon a draft environmental assessment for a proposed water project.

2. The applicant shall provide notice of the time and place set for the workshop not less than 15 days before the workshop. The applicant may provide such notice by:

- (a) Publishing a single notice ~~in~~:

(1) *In* a newspaper of general circulation in the area affected by the proposed water project; *or*

(2) *Unless otherwise required by federal law, on an Internet website designed to give general public notice that has been approved by the Division;*

(b) Mailing the notice to each interested person who requests to be on a mailing list maintained by the Division;

(c) Mailing the notice to the appropriate federal and state agencies and municipalities; or

(d) Any other means reasonably calculated to provide such notice to the general public and any person who may be affected by the proposed water project.

3. The notice must include:

(a) A description and the location of the proposed water project;

(b) The time that the applicant will allow for public comments; and

(c) The address where the written comments may be sent.

4. The minimum period for public comment concerning the draft environmental assessment for a water project is 30 days after the applicant has provided the notice in the manner set forth in subsection 2.

5. The applicant shall clearly indicate the date by which any written comments concerning the subject of the workshop must be received by the applicant to receive consideration.

Sec. 9. NAC 445A.67589 is hereby amended to read as follows:

445A.67589 1. If the Division determines that it intends to make a finding of no significant impact for a water project, the Division shall provide notice of its intention using the

procedures for providing notice set forth in subsection 2. The Division shall list in its finding all mitigation measures the applicant must take.

2. The notice provided pursuant to subsection 1 must be:

(a) ~~Published at least once in a newspaper of general circulation throughout the area affected;~~ *Unless otherwise required by federal law, published on an Internet website designed to give general public notice;*

(b) Provided to persons potentially affected by the water project, including, without limitation, adjacent landowners;

(c) Mailed by the Division to each person included on a mailing list maintained by the Division;

(d) Provided to appropriate federal and state agencies; and

(e) Submitted to the state clearinghouse for review by other federal and state agencies.

3. The notice must include:

(a) A description and location of the proposed water project, or proposed action or determination of the Division;

(b) Reasons supporting the Division's preliminary finding of no significant impact for the project;

(c) A statement that the Division may make a finding of no significant impact and the process of environmental review shall be deemed to be complete if no comments that the Division determines to be significant are received within the time allowed for public comment;

(d) The time that the Division will allow for public comment; and

(e) The address to which written comments may be sent.

4. The period for public comment concerning a finding of no significant impact is 30 days after the Division has provided notice in the manner set forth in subsection 2.

Sec. 10. NAC 445A.67595 is hereby amended to read as follows:

445A.67595 1. After the Division determines that it shall require an applicant to prepare and submit an environmental impact statement for a proposed water project, the Division shall provide notice of its intent to require the applicant to prepare an environmental impact statement.

2. The notice provided pursuant to subsection 1 must be:

(a) ~~Published at least once in a newspaper of general circulation throughout the area affected;~~ *Unless otherwise required by federal law, published on an Internet website designed to give general public notice;*

(b) Provided to persons who are potentially affected by the water project, including, without limitation, adjacent landowners;

(c) Mailed by the Division to each person included on a mailing list maintained by the Division for the water project;

(d) Provided to appropriate federal agencies; and

(e) Submitted to the state clearinghouse for review by other federal and state agencies.

3. The notice issued pursuant to subsection 1 must include, without limitation:

(a) A description and location of the proposed water project;

(b) Reasons supporting the Division's determination to require the applicant to prepare and submit an environmental impact statement for the proposed water project; and

(c) The address of the applicant so that interested persons can file comments or inquire about the time and location of any meetings which are scheduled to discuss alternatives to the proposed water project.

4. As soon as possible after the Division provides the notice required pursuant to subsection 1, the applicant shall convene a meeting of affected federal, state and local agencies, affected Indian tribes, the Division and any other interested party to determine the scope of the environmental impact statement.

5. At the meeting that the applicant convenes pursuant to subsection 4, the applicant shall:

(a) Determine the significant issues that the applicant will need to analyze in depth in the environmental impact statement;

(b) Identify the range of alternatives to his or her proposed water project that the applicant must consider;

(c) Identify any agencies that may have an interest in the environmental impact statement and the information that the applicant may need from each agency; and

(d) Discuss the method that the applicant will use to:

(1) Prepare the environmental impact statement; and

(2) Ensure public participation.

6. As soon as possible after the meeting required pursuant to subsection ~~5~~ 4, the applicant shall document as part of the environmental impact statement:

(a) The issues concerning the proposed water project that were raised at the meeting;

(b) An evaluation of any viable methods of addressing the issues raised at the meeting;

(c) Any additional issues that are raised while evaluating the issues raised at the meeting and an evaluation of any viable methods of addressing these new issues; and

(d) Any issues raised at the meeting that the applicant decides are not relevant to his or her water project.

7. The applicant shall prepare, or have prepared, a draft environmental impact statement for the water project. The applicant shall pay the costs of preparing the draft environmental impact statement.

8. If a federal agency is required by law to prepare an environmental impact statement, the Division and the applicant are not required to pay the costs of preparing the environmental impact statement and shall cooperate with the federal agency in preparing the statement.

Sec. 11. NAC 445A.67597 is hereby amended to read as follows:

445A.67597 1. The applicant shall:

(a) Provide two paper copies and one electronic copy of the draft environmental impact statement to the Division;

(b) Provide copies of the draft environmental impact statement to all local, state and federal agencies and public organizations that have an interest in the proposed water project; and

(c) Make copies of the draft environmental impact statement available for public review.

2. The Division shall provide notice of the availability of the draft environmental impact statement for review as soon as possible after the Division receives copies of the draft.

3. The notice provided pursuant to subsection 2 must be:

(a) ~~Published at least once in a newspaper of general circulation throughout the area affected;~~ *Unless otherwise required by federal law, published on an Internet website designed to give general public notice;*

(b) Provided to persons who are potentially affected by the water project, including, without limitation, adjacent landowners;

(c) Mailed by the Division to each person included on a mailing list maintained by the Division for the water project;

(d) Provided to appropriate federal agencies; and

(e) Submitted to the state clearinghouse for review by other federal and state agencies.

4. The notice must include:

(a) A description and location of the proposed water project;

(b) The place at which the draft environmental impact statement may be reviewed;

(c) The time allowed for public comment concerning the draft environmental impact statement; and

(d) The address to which written comments may be sent.

5. The period for public comment concerning a draft environmental impact statement is 30 days after the Division has provided the notice in the manner set forth in subsection 3.

Sec. 12. NAC 445A.67612 is hereby amended to read as follows:

445A.67612 1. If 5 years or more have passed since the Division has issued its record of decision regarding a final environmental impact statement and the Division has not yet recommended approval to the Board for Financing Water Projects, the Division shall reevaluate its decision, taking into consideration current environmental conditions and public views.

2. If the Division finds, as a result of its review pursuant to subsection 1, that no significant changes have occurred since the original record of decision was made, the Division shall, before recommending approval of the water project by the Board for Financing Water Projects, issue a notice of its intention not to change the original record of decision. The Division shall:

(a) ~~publish~~ *Unless otherwise required by federal law, publish* the notice ~~at least once in a newspaper of general circulation throughout the area affected;~~ *on an Internet website designed to give general public notice;*

(b) Provide the notice to persons potentially affected by the water project, including adjacent landowners;

(c) Mail the notice to each person included on the mailing list maintained by the Division for the water project;

(d) Provide the notice to appropriate federal agencies; and

(e) Submit the notice to the state clearinghouse for review by other state and federal agencies.

3. The notice must include:

(a) A description of the proposed water project, including its location;

(b) Information regarding the availability of the original environmental impact statement;

(c) The material upon which the Division relied for the issuance of the notice and the address where that material may be reviewed;

(d) The time allowed for public comments regarding the notice; and

(e) The address where written comments may be sent.

4. The period for public comments concerning the notice of the intention of the Division not to change the original record of decision is 30 days after the Division has provided the notice in the manner set forth in subsection 2.

5. If no significant comments are received by the Division within the time prescribed in subsection 4, the Division may issue its record of decision that the process of environmental review is complete.

6. If the Division finds, as a result of its review pursuant to subsection 1 or its receipt of information pursuant to subsection 4, that additional information is necessary to supplement the original environmental assessment, the process of environmental review for the water project must comply with the procedure set forth in NAC 445A.67594 to 445A.67612, inclusive.

Sec. 13. NAC 445A.738 is hereby amended to read as follows:

445A.738 1. Before adopting a facility plan, an applicant for financial assistance must hold a public hearing to describe the proposed project and ensure that the concerns of the public are fully considered.

2. The time, place and subject of the public hearing must be announced conspicuously and adequately by the applicant not less than 30 days before the hearing. Copies of the facility plan must be made available for inspection by the public not less than 15 days before the hearing.

3. Notice of the hearing must be circulated within the geographical area covered by the facility plan by ~~publication~~ :

- (a) Publishing notice of the hearing in a newspaper of general circulation in the area ~~+~~ ; or*
- (b) Unless otherwise required by federal law, posting notice of the hearing on an Internet website designed to give general public notice that has been approved by the Division.*

4. Notice of the hearing must be mailed by the applicant to any person or organization included on a mailing list provided by the Division.

5. Ten copies of the facility plan must be submitted by the applicant to the state clearinghouse for review.

Sec. 14. NAC 445A.745 is hereby amended to read as follows:

445A.745 If a categorical exclusion is granted:

1. ~~[A]~~ *Unless otherwise required by federal law, a* notice that the exclusion is available for review must be published ~~[in a newspaper of general circulation throughout the State.]~~ *on an Internet website designed to give general public notice.*

2. The exclusion must be mailed to each person included on a mailing list maintained by the Division. The mailing list must include appropriate federal and state agencies, municipalities and interested members of the public.

3. A copy of the exclusion must be submitted to the state clearinghouse for review.

Sec. 15. NAC 445A.751 is hereby amended to read as follows:

445A.751 1. If, after completion of the Division's review of the facility plan, it is determined that an environmental impact statement will not be required, the Division shall issue a finding of no significant impact. This finding must be based upon the Division's independent review of the preliminary environmental assessment and any other environmental information deemed necessary. Following the review by the Division, the environmental assessment must be finalized and made available for review by the public. The finding of no significant impact must list mitigation measures necessary to make the recommended alternative environmentally acceptable and must note any other environmental documents related to it.

2. ~~Notice~~ *Unless otherwise required by federal law, notice* of a finding of no significant impact for review must be published ~~in a newspaper of general circulation throughout the State.~~ *on an Internet website designed to give general public notice.*

3. Copies of a finding of no significant impact must be mailed directly to persons included on a mailing list maintained by the Division. The mailing list must include appropriate federal and state agencies, municipalities and interested members of the public. An additional copy of the finding must be submitted to the state clearinghouse for review.

Sec. 16. NAC 445A.756 is hereby amended to read as follows:

445A.756 1. ~~Upon~~ *Unless otherwise required by federal law, upon* making a determination that an environmental impact statement is required in connection with a proposed project, the Division shall publish ~~in~~ a ~~newspaper of general circulation~~ *notice of intent to publish an environmental impact statement on an Internet website designed to give general public notice* and shall distribute ~~a~~ *the* notice of intent to publish an environmental impact statement.

2. Copies of the draft environmental impact statement must be provided to all local, state and federal agencies and public organizations having an interest in the proposed project and must be made available to the public for review. The following steps must be followed in distributing the draft ~~the~~ *environmental impact statement*:

(a) ~~A~~ *Unless otherwise required by federal law, a* notice of the availability of the draft must be published ~~in newspapers of general circulation throughout the State.~~ *on an Internet website designed to give general public notice.*

(b) The draft must be mailed directly to each person included on a mailing list maintained by the Division. The mailing list must include appropriate federal and state agencies, municipalities and interested members of the public.

(c) Copies of the draft must be submitted to the state clearinghouse for review.

Sec. 17. NAC 445A.875 is hereby amended to read as follows:

445A.875 A public notice for each draft of a permit for an underground injection well, tentative exemption for an aquifer, if required, or intent to deny an application for a permit must be ~~circulated~~ *provided* by the Director at least 30 days before the issuance of the permit, exemption or denial, in a manner designed to inform interested and potentially interested persons. The notice must be:

1. Published ~~in a daily newspaper of general circulation within the geographic area of the proposed injection well;~~ *on an Internet website designed to give general public notice;* and
2. Mailed to the applicant, any person or group requesting notice, the Division of Minerals, the Division of Public and Behavioral Health of the Department of Health and Human Services, the Division of Water Resources of the Department and the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources.

Sec. 18. NAC 519A.185 is hereby amended to read as follows:

519A.185 1. Except as otherwise provided in subsection 3, the Division shall, at least 30 days before the issuance of a draft permit or a notice of intent to deny the application for a permit for an exploration project or mining operation to be conducted on privately owned land:

(a) ~~Circulate a~~ *Provide* public notice of the intent to issue a draft permit or deny the application in a manner intended to inform interested persons;

(b) ~~{Cause to be published in a newspaper of general circulation within the geographic area of a proposed exploration project or mining operation, a}~~ *Publish* notice of the intent to issue the permit or deny the application ~~{;}~~ *on an Internet website designed to give general public notice;* and

(c) Mail to the operator, landowner of record who is identified by the applicant in the application, members of the board of county commissioners of the county in which the project or operation is to be located, Division of Minerals of the Commission on Mineral Resources and any other person or group who so requests, written notice of the intent to issue a draft permit or deny the application.

2. Notice given pursuant to subsection 1 must include:

(a) The name, address and telephone number of the Division;

(b) The name and address of the operator;

(c) The location of the proposed project or operation;

(d) The tentative decision of the Division to issue a draft permit or deny the application for a permit;

(e) A description of the procedure which the Division will use to make a final decision to issue or deny the permit;

(f) The location where interested persons may obtain further information or inspect and copy the draft of the permit and other relevant forms and documents; and

(g) A statement that interested persons must submit to the Division written comments and information on the tentative decision of the Division within 30 days after the date on which the notice is published.

3. An application for a permit which has been submitted pursuant to NAC 519A.150 or 519A.155 is not subject to the notice requirements of NAC 519A.185 to 519A.210, inclusive.

