



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission

901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249



Notice of Regulatory Hearing Adoption of Regulations and Other Matters Before the State Environmental Commission

The State Environmental Commission (SEC) will hold a meeting on Wednesday, May 23, 2018 at 9:00 am in Carson City. The meeting will be held in the Nevada Legislative Building, Room 2135, located at 401 South Carson Street. The meeting will also be video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Avenue. The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

R045-18: Bureau of Mining Regulation & Reclamation

The NDEP is proposing to modify Chapter 519A pertaining to reclamation associated with mining activities.

The proposed modifications include the revision of the small miner regulations to allow for bonding of mining activities on sites that are under five acres on private land that use chemicals and/or have underground mines. Also proposed is to add renewable energy development and storage as an option to the definition of "productive post-mining use of the land." Finally, NDEP proposes to remove the requirement to provide public notice of a draft permit and other actions via publication in a newspaper; rather, e-notices will be required.

The proposed regulation will have a nominal economic impact to small mining operators on private land who will be required to pay for additional bond costs and would have to seek bonding through a financial institution or the Division of Minerals' Bond Pool. The Bond Pool program is designed to reduce the financial burden of, and timeframe for, obtaining a reclamation bond for a small operation. For bonds under \$10,000 the premium is 3% of the bond amount. For bonds between \$10,000 and \$3,000,000 the premium is 10% to 5% at the cap. This applies to projects on private land. The Bureau of Land Management and U.S. Forest Service currently require project bonding for all mining and chemical processing disturbance activities on public lands. Just as this existing requirement protects the federal entities, extending the requirement to include private land will economically protect the private land owner.

The proposed regulation will have no adverse economic impact on the public. It will minimize the potential for the public to bear the cost of cleanup on a private land mine facility under five acres that could be left un-reclaimed. Benefits include protection of waters of the State as well as protection of public health due to potential public hazards from underground workings on facilities under five acres on private lands being managed appropriately.

The proposed regulation will have a minimal economic impact on the newspaper industry of approximately \$865 per year which NDEP spends on average in publication costs.

The proposed amendment does not overlap, duplicate or conflict with any other State or federal regulations and is not more stringent than what is established by federal law. The proposed amendment does not address fees.

R046-18: Bureau of Mining Regulation & Reclamation

The proposed amendments pertain to Chapter 445A. The NDEP is proposing to modify the regulations pertaining to mining water pollution control. The NDEP proposed to revise or add certain definitions, eliminate all regulations associated with pilot testing, clarify requirements for waste rock management plans & preliminary conceptual closure plans for initial reclamation bonding, post draft permit notices via e-notice as opposed to posting in a newspaper, clarify the termination of a closure permit, revise physical separation regulations, clarify the type of modification referenced in regulation, revise the limitations regarding degradation of water, revise the oversight of mines during project closure planning process through to the actual closure process, and revise provisions to allow NDEP to take certain actions to prevent degradation of waters when planned or unplanned temporary closure does not effectively manage process fluids.

The proposed regulation will have a nominal economic impact on the newspaper industry of approximately \$5,186 per year, which NDEP spends on average per year in publication costs. The proposed amendments will have no adverse economic impact on regulated businesses. This change will benefit regulated businesses by reducing the time it takes to receive a permit by as much as three weeks, which can make an economic difference with respect to getting the project production initiated more expediently. There will be no economic impact to the public and NDEP will save approximately \$5,186 per year.

The proposed amendment does not overlap any other State or federal regulations and is not more stringent than what is established by federal law. The proposed amendment does not address monetary fees.

R049-18: Bureau of Safe Drinking Water

The proposed amendment pertains to NAC 445A governing the design, construction, operation and maintenance of Public Water Systems.

The NDEP proposes to revise certain definitions, amend the time frame for initiation and completion of a water project, provide clarifications for how NDEP will manage determinations of "lead free" construction, provide clarification in use of documents adopted by reference, add design review requirements for non-potable construction that could impact water infrastructure, change the definitions of "sewer main" and "separations and crossings" regulations, provide clarification on backflow for fire hydrants and sprinkler systems, and repeal redundant regulations.

The public water system engineering design regulations have not been substantially revisited since 1997. Since that time, construction materials and methods have improved, warranting the need to revisit the regulations. A broad workgroup of statewide stakeholders was convened by the NDEP, including local health departments, city and county government, large and small water systems, engineers, builders, and attorneys, totaling approximately 40 individuals. The NDEP considered the proposed amendments as a result of discussions and recommendations from the workgroup. The proposed amendments provide updates and clarifications to regulatory requirements, improve review efficiency, and ensure protection of public health and safety.

The proposed amendment does not overlap any other State regulation, is not more stringent than what is established by federal law and does not address fees.

Additional Information: Persons wishing to comment on the proposed actions of the SEC may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street,

Carson City, NV and the Department of Agriculture, 405 South 21st Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC's website at: http://sec.nv.gov/main/hearing_0518.htm . The proposed regulations denoted in this notice, are, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration's website at <https://notice.nv.gov/>

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 4:00 p.m. on May 18, 2018.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library
900 North Rook Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
Director of Marketing and Community Relations
7060 W. Windmill
Las Vegas, Nevada 89113

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Storey County Library - Closed
Posted at Clerk's Office
Address below:

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301