

PROPOSED REGULATION OF THE COMMISSION ON MINERAL RESOURCES

LCB File No. R127-15

CHAPTER 513 - COMMISSION ON MINERAL RESOURCES; DIVISION OF MINERALS

DANGEROUS CONDITIONS CREATED BY ABANDONMENT OF MINES

- 513.200 Definitions.
- 513.205 "Administrator" defined.
- 513.210 "Animal" defined.
- 513.220 "Commission" defined.
- 513.230 "Dangerous condition" defined.
- 513.240 "Division" defined.
- ~~513.260 "Fence" defined.~~
- 513.270 "Owner" defined.
- 513.280 "Person" defined.
- 513.290 "Responsible person" defined.
- 513.300 Scope.
- 513.310 Waiver of provisions.
- 513.315 Additional fee.
- 513.320 Assignment of points to dangerous condition.
- 513.330 Rating of location.
- 513.340 Rating of degree of danger.
- 513.350 Dangerous condition causing fatality or injury.
- 513.360 Rating of dangerous condition.
- 513.370 Posting warning sign.
- 513.380 Period after notification to secure dangerous condition.
- 513.390 Methods for securing dangerous condition.

REGISTRATION AND RECORDS OF MINING OPERATIONS

NAC 513.100 Registration of mines. (NRS 513.063) Each operator of a mine ~~which:~~
~~—1. Is in operation on February 18, 1988, shall submit to the Administrator a completed form for registration within 90 days after February 18, 1988.~~
~~—2. Begins operations after February 18, 1988,~~ shall submit to the Administrator a completed form for registration within 30 days after the date on which operations began.
(Added to NAC by Comm'n on Mineral Resources, eff. 2-18-88)

~~[NAC 513.260 "Fence" defined. (NRS 513.094) "Fence" has the meaning ascribed to it in subsection 5 of NRS 207.200.~~
~~—(Added to NAC by Comm'n on Mineral Resources, eff. 12-21-88)]~~

NAC 513.315 Additional fee. (NRS 513.063, 513.094) The amount of the additional fee that is imposed on filings pursuant to subsection 1 of NRS 513.094 is ~~1~~~~\$2.50~~ **\$4.00** per claim.

(Added to NAC by Comm'n on Mineral Resources by R069-99, eff. 8-19-99; A by R080-01, 1-16-2002; R199-08, 8-26-2008, eff. 8-27-2008)

NAC 513.330 Rating of location. (NRS 513.094) The location of a dangerous condition must be rated in the following manner:

1. One point must be assigned to a dangerous condition located at least 5 miles from an occupied structure or a public road maintained by some governmental entity.

2. Two points must be assigned to a dangerous condition located between 1 and 5 miles from an occupied structure or a public road maintained by some governmental entity.

3. Three points must be assigned to a dangerous condition located 1/2 to 1 mile, inclusive, from a town.

4. Four points must be assigned to a dangerous condition located not more than 1/2 mile from a town or not more than 1 mile from an occupied structure or a public road maintained by some governmental entity.

5. Five points must be assigned to a dangerous condition located within a town or within 100 feet of an occupied structure or a public road maintained by some governmental entity.

□ The Administrator or his or her representative may assign a higher or lower degree of danger to a dangerous condition if other accessibility factors warrant the modification, but the degree of danger for a single dangerous location may not be scored higher than five points.

(Added to NAC by Comm'n on Mineral Resources, eff. 12-21-88)

NAC 513.370 Posting warning sign. (NRS 513.094) A dangerous condition regardless of its ranking must be posted with a warning sign *in a prominent location near the hazard.* ~~mounted on an orange post~~. The sign must be posted within 30 days after the responsible person is notified by the county sheriff of the existence of the condition.

(Added to NAC by Comm'n on Mineral Resources, eff. 12-21-88)

NAC 513.380 Period after notification to secure dangerous condition. (NRS 513.094) Upon notification of the existence of a dangerous condition, the responsible person shall:

1. Secure within 180 days a dangerous condition rated as a *minimal or* low hazard;

2. Secure within 120 days a dangerous condition rated as a moderate hazard; and

3. Secure within 60 days a dangerous condition rated as a high hazard,

□ in the manner prescribed in NAC 513.390.

(Added to NAC by Comm'n on Mineral Resources, eff. 12-21-88)

~~[NAC 513.390 Methods for securing dangerous condition. (NRS 513.094) A dangerous condition must be secured by one or more of the following:~~

~~—1. A barricade made of wood, metal or plastic, set in place in a solid manner with an orange warning sign attached.~~

~~—2. A fence constructed to prevent a person or animal from accidentally exposing himself or herself to the dangerous condition.~~

~~—3. Permanently anchored seals constructed of material not subject to rapid decomposition and, if used to secure a vertical opening, strong enough to support the weight of any person or animal.~~

~~—4. Backfilling so that no void spaces remain.]~~

NAC 513.390 Methods for securing dangerous condition. (NRS 513.094)

- 1. Securing of all dangerous conditions, regardless of rank, must include the posting of at least one warning sign. Sites properly secured under subsections 2(b) and (c) will no longer be considered dangerous conditions and signage may be removed.*
- 2. A dangerous condition ranked above a minimal hazard must be secured by one or more of the following:*
 - (a). An enclosure or barricade, normally consisting of metal posts and four strands of barbed wire, or other durable materials, constructed in a manner to prevent a person or animal from accidental exposure to the dangerous condition.*
 - (b). Permanently anchored seals constructed of material not subject to rapid decomposition and, if used to secure a vertical opening, strong enough to support the weight of any person or animal.*
 - (c). Backfilling so that no void spaces remain.*
- 3. Regardless of method, the owner or responsible person must maintain the integrity of the securing.*
- 4. The Administrator or designee may approve the modification of the method of securing to accommodate site-specific conditions.*