

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R120-00

July 14, 2000

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

AUTHORITY: §1, NRS 519A.160.

PLEASE NOTE: This regulation was originally part of LCB File No. R090-00.

Section 1. Chapter 519A of NAC is hereby amended by adding thereto a new section to read as follows:

1. In addition to the surety required pursuant to NAC 519A.350, on October 1, 2000, an operator of a mining operation that is required to obtain a permit from the division of wildlife of the state department of conservation and natural resources pursuant to NRS 502.390 shall submit to the division:

(a) Thirty-six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$35,000,000 as of October 1, 2000;

(b) Twenty four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$7,000,000 but less than or equal to \$35,000,000 as of October 1, 2000;

(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$1,000,000 but less than or equal to \$7,000,000 as of October 1, 2000; or

(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to \$1,000,000 as of October 1, 2000.

2. In addition to the surety required pursuant to NAC 519A.350, on April 15, 2002, an operator of a mining operation that is required to obtain a permit from the division of wildlife of the state department of conservation and natural resources pursuant to NRS 502.390 shall submit to the division:

(a) Thirty-six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$35,000,000 as of April 15, 2002;

(b) Twenty four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$7,000,000 but less than or equal to \$35,000,000 as of April 15, 2002;

(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than \$1,000,000 but less than or equal to \$7,000,000 as of April 15, 2002; or

(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to \$1,000,000 as of April 15, 2002.

3. The division shall:

(a) Establish a trust fund for emergency reclamation activities;

(b) Deposit money collected pursuant to subsections 1 and 2 in the trust fund;

(c) Use the money in the trust fund only for emergency reclamation activities to manage hazardous fluids at a site while the process for forfeiture of a surety pursuant to NAC 519A.390 is pending; and

(d) After the conclusion of the process for forfeiture of a surety, if the surety was forfeited, reimburse the trust fund for emergency reclamation activities with the surety which was

forfeited to the extent that money was used from the trust fund to manage hazardous fluids at the site for which the surety was forfeited.

4. An operator that operates more than one mining operation in this state may combine the amount of surety required pursuant to NAC 519A.360 for each site to determine the total amount of surety the operator is required to provide pursuant to NAC 519A.360 for purposes of determining the amount of money to submit pursuant to subsections 1 and 2.