

**REVISED PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R120-00

July 18, 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 or before October 1, 2000, an operator of a mining operation that is required to hold 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 the date the operator submits the money;

(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 the date the operator submits the money;

(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 the date the operator submits the money; 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 the date the operator submits the money.

2. In addition to the surety required pursuant to NAC 519A.350 and the payment required pursuant to subsection 1, on or before April 15, 2001, an operator of a mining operation that is required to hold 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 the date the operator submits the money;

(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 the date the operator submits the money;

(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 the date the operator submits the money; 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 the date the operator submits the money.

3. In addition to the surety required pursuant to NAC 519A.350 and the payments required pursuant to subsections 1 and 2, on or before April 15, 2002, an operator of a mining operation that is required to hold 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 the date the operator submits the money;

(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 the date the operator submits the money;

(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 the date the operator submits the money; 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 the date the operator submits the money.

4. The division shall:

(a) Establish the trust fund for short-term fluid management;

(b) Deposit money collected pursuant to this section in the trust fund;

(c) Use the money in the trust fund only for the management of 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 pursuant to NAC 519A.390, if the surety was forfeited, reimburse the trust fund with the surety which was forfeited to the extent that money was used from the trust fund at the site for which the surety was forfeited.

5. 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 this section.