

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R186-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/29/2018**

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

P2018-02

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EXPLANATION – Matter in *italics* are new; matter with ~~omitted material~~ are material to be omitted.

AUTHORITY: §§NRS 445A.425, 445A.465 and 445A.590

Sec 1. 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 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.

AUTHORITY: §§NRS 519A.160

Sec. 2. NAC 519A.185 is hereby amended to read as follows:

519A.185 Provision of notice of intent to issue draft of permit or to deny application.

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 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 in the*** notice of the intent to issue the permit or deny the application ~~{}~~ ***on the Internet website of the Division;*** 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.