

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R141-06

Effective October 31, 2007

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

AUTHORITY: §1, NRS 445A.425 and 445A.465.

A REGULATION relating to water controls; revising provisions governing the stabilization of spent ore before discharge into the environment; and providing other matters properly relating thereto.

Section 1. NAC 445A.430 is hereby amended to read as follows:

445A.430 1. Spent ore which has been left on pads or which will be removed from a pad must first ~~[be rinsed until:]~~ *demonstrate stability of the discharge effluent from the pads or from the spent ore such that:*

- (a) WAD cyanide levels in the effluent ~~[rinse water]~~ are less than 0.2 mg/l;
- (b) The pH level of the effluent ~~[rinse water]~~ is between 6.0 and 9.0; and
- (c) Contaminants in any effluent from the processed ore which would result from meteoric waters would not degrade waters of the State.

2. If the requirements established in subsection 1 cannot be achieved, the Department will grant a variance to those conditions if the holder of the permit can demonstrate that:

- (a) The remaining solid material, when representatively sampled, does not contain levels of contaminants that are likely to become mobile and degrade the waters of the State under the conditions that will exist at the site; or

(b) The spent ore is stabilized in such a fashion as to inhibit meteoric waters from migrating through the material and transporting contaminants that have the potential to degrade the waters of the State.

3. The Department may approve an alternate method for stabilizing ore that has been leached if the holder of the permit can clearly demonstrate that the condition in which the materials will be left will not create a potential for the waters of the State to be degraded.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R141-06
Petition 2006-12

The State Environmental Commission adopted regulations assigned LCB File No. R141-06 which pertain to chapter 445A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

Nevada Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

This permanent regulation amends NAC 445A.430 by focusing stabilization of spent ore on effluent chemistry levels rather than dictating a particular stabilization action or method (e.g., rinsing).

The language in the regulation reflects recent changes and advancements in spent ore stabilization methods and technologies. The changes in the regulation are designed to broaden spent ore stabilization options for spent ore that has been left on pads, or which will be removed from pads. The amended regulation will continue to require that spent ore effluent demonstrate Cyanide and pH stability levels in accordance with existing regulatory limits.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

NDEP's Bureau of Mining Regulations & Reclamation held two public workshops on the above referenced regulation at the following locations.

Carson City

February 13, 2006

1:00 p.m. – 2:00 p.m.

Department of Conservation & Natural Resources

Richard H. Bryan State Office Building

901 South Stewart Street

Multi-Purpose Conference Room, 2nd

Floor Carson City, Nevada 89701-5249

Elko

February 17, 2006

10:00 a.m. – 11:00 a.m.

Elko BLM Field Office

3900 East Idaho Street

Elko, Nevada 89801

775-753-0200

The State Environmental Commission (SEC) held a public hearing to consider this regulation on September 07, 2007. The hearing was held in Carson City and Las Vegas through a videoconference. The meeting location in Carson City was at the Legislative Counsel Bureau Chambers in the State Legislative Building (Room 2135), 401 South Carson Street. The meeting location in Las Vegas was at the Legislative Counsel Bureau in the Grant Sawyer Building (Room 4412), 555 E. Washington Street.

The hearing agenda was posted at the following locations: the Legislative Building in Carson City, the Grant Sawyer Office Building in Las Vegas, the Nevada State Library in Carson City and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation noted above were made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was published on August 14, 2007, August 21, 2007 and August 28, 2007 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at:

http://www.sec.nv.gov/main/hearing_0907.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended September 7, 2007 hearing; 40
- (b) Testified on this Petition at the hearing: 1 (1 NDEP Staff)
- (c) Submitted to the agency written comments: -1 (NMA)

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as indicated in number 1 above. In addition to the public workshop and the SEC regulatory hearing, the NDEP held numerous meetings with representatives from the mining industry and Nevada's environmental community; the meetings were used to solicit and incorporate stakeholder comments into the regulation.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Environmental Commission adopted the regulation without change on September 7, 2006. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process. A support letter from the Nevada Mining Association was subsequently received by the State Environmental Commission.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation will not have an immediate or long-term adverse effect on business or the public

The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs associated with enforcement of this regulation

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulation does overlap or duplicate any regulations of other state or government agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal programs that regulate the mining industry.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not materially alter existing fees for permitting and monitoring activities of the mining industry in Nevada.