

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R145-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/20/2024**

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

P2024-21

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

AUTHORITY: §1, NRS 519A.160.

A PERMANENT REGULATION relating to reclamation of land subject to mining operations or exploration projects; revising payments for deposit into the Trust Fund for Short-Term Fluid Management; and providing other matters properly relating thereto.

Section 1. Chapter 519A of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation.

Section 2. NAC 519A.392 is hereby amended to read as follows:

519A.392 Payments for deposit into Fund; use and reimbursement of money in Fund.

~~—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 Department of Wildlife 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 Department of Wildlife 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 Department of Wildlife 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.~~

1. In addition to the surety required pursuant to NAC 519A.350, on or before October 1, 2025, and each year thereafter, until the Trust Fund value exceeds fifteen million dollars, an operator of a mining operation that is required to hold a reclamation permit from the Division that includes surety for process fluid stabilization shall submit to the Division the following annual fees:

(a) One percent of the total amount of the surety held for process fluid stabilization.

2. In addition to the surety required pursuant to NAC 519A.350, on or before October 1, 2025, and each year thereafter, until the Trust Fund exceeds fifteen million dollars, an operator of a mining operation that is required to hold a reclamation permit from the Division that does not include surety for process fluid stabilization and is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390, shall submit to the Division the following annual fees:

(a) five thousand and five hundred dollars.

4.3. 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) Credit all interest **and income** earned on the money in the Trust Fund to the Trust Fund;

(d) Use the money in the Trust Fund ~~only to management of process fluids or to prevent, control or treat a discharge of fluids~~ at a site ~~while-until~~ the process for forfeiture of a surety pursuant to NAC 519A.390 is ~~pending-~~ **complete and the surety proceeds are to be used to pay for process fluid management, stabilization, control, or treatment; or the Division authorizes the operator or its successor to conduct such activities under a permit issued or reinstated by the Division.**; ~~and~~

~~***(e) 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 that was forfeited. Such reimbursement must be in an amount equal to the total amount of money used from the Trust Fund at the site for which the surety was forfeited.***~~

4. The Trust Fund shall be reimbursed by the Operator prior to reinstatement or transfer of the permit, or with the proceeds of the forfeited surety. Such reimbursement must be in an amount equal to the total amount of money used from the Trust Fund at the site for which the surety was forfeited.

5. The Division may:

(a) Deposit money collected pursuant NRS 519A.150(4) in the Trust Fund;

(b) Contract with a National or Multi-national Bank or Financial Institution authorized to do business in the State of Nevada for the purpose establishing and maintaining an investment Account;

(c) Transfer money to facilitate investment and use of the money received for Short-Term Fluid Management;

(d) Utilize up to 20% of the total fees collected under subsection 1 for the purchase of securities;

(e) Acquire, retain, sell, consolidate, and reinvest the assets in the investment Account and income generated by those assets;

(f) Pay all necessary taxes and fees generated by the investment Account;

(g) Suspend the fees specified in subsection 1 and 2 if the funds in the Trust Fund exceed fifteen million dollars.

~~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.~~

6. An operator that operates more than one mining operation in this State may combine the amount of surety for the process fluid stabilization required pursuant to NAC 519A.360 for each site to determine the total amount of surety for process fluid stabilization the operator is required to provide pursuant to NAC 519A.360 for purposes of determining the amount of fees to submit pursuant to this section.