

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R141-06

July 31, 2006

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]~~ *The responsible party for spent* ore which has been left on pads or which will be removed from a pad ~~[must first be rinsed until:]~~, *and for which a long-term discharge of spent ore effluent to the environment is anticipated, shall first require an adjustment to the spent ore effluent so 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:]~~ *The responsible party shall clearly demonstrate spent ore stabilization. Acceptable methods of such demonstration include, without limitation:*

(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 effluent, 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*

(c) 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]~~ *a variance to subsections 1 and 2 if the responsible party 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.*

4. *As used in this section:*

(a) *“Long-term discharge” means discharge that has the potential to be released in perpetuity and is not authorized by a temporary permit pursuant to NRS 445A.485.*

(b) *“Responsible party” means:*

(1) *If the facility is located on private land, the permit holder or the owner of record of the land; or*

(2) *If the facility is located on public land, the permit holder or the Federal Land Manager for the United States agency or instrumentality that has primary management authority over such land.*