

CHAPTER.....

AN ACT relating to mines; making various changes governing the regulation of mines; requiring the State Environmental Commission to adopt regulations prescribing a fee for operators of mines with the potential to emit mercury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to adopt regulations for mine health and safety. (NRS 512.131) **Section 1** of this bill requires the Administrator to adopt regulations as necessary to provide safe and healthful working conditions at mines.

Under existing law, the State Environmental Commission is required to adopt regulations that require a person operating or responsible for the existence of a source of air contaminant to apply for and obtain an operating permit and to charge appropriate fees for an operating permit. (NRS 445B.300) **Section 2** of this bill requires the Commission to adopt regulations prescribing a fee for operators of mines with the potential to emit mercury, which must be in addition to the fee for an operating permit. The additional revenue will be used by the State Department of Conservation and Natural Resources to pay for employees that will monitor compliance with the Nevada Mercury Air Emissions Control Program. (NRS 445B.210, 445B.300; NAC 445B.3611-445B.3689)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 512.131 is hereby amended to read as follows:

512.131 1. The Administrator ~~may adopt any~~ *shall adopt* regulations for mine health and safety ~~he deems necessary and which are consistent with~~ *as necessary to provide safe and healthful working conditions at mines. The regulations must provide protection that is at least equal to the protection provided by the Federal Mine Safety and Health Act , 30 U.S.C. §§ 801 et seq. , 30 U.S.C. §§ 801 et seq. as amended. The Administrator may consider the following sources in adopting the regulations:*

- (a) Common practices of the mining industry;*
- (b) The American National Standards Institute;*
- (c) The American Society of Mechanical Engineers;*
- (d) The American Society for Testing and Materials International;*
- (e) Applicable provisions contained in the Code of Federal Regulations;*
- (f) The National Fire Protection Association, including, without limitation, the National Electrical Code;*

(g) Any national consensus standard; and

(h) Any safety order legally adopted by the Administrator.

2. The Administrator shall forward a copy of ~~every~~ *each* regulation adopted under this section to the operator of each mine and to the representative of the workers, if any, at the mine. Failure to receive a copy of the regulation does not relieve anyone of the obligation to comply with it.

Sec. 2. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the fees for an operating permit, the Commission shall adopt regulations prescribing the appropriate fee to be imposed on the operator of a mine with the potential to emit mercury, and the schedule for payment of the fee. The Commission shall ensure that the fees imposed pursuant to this subsection are in an amount sufficient to pay the cost of employing two full-time employees of the Department whose employment responsibilities include ensuring compliance with a program to control mercury emissions adopted pursuant to NRS 445B.100 to 445B.640, inclusive, and any regulations adopted thereto. The Department shall advise the Commission in prescribing an appropriate fee pursuant to this subsection.

2. Each operator of a mine with the potential to emit mercury shall pay the fee prescribed by the Commission in accordance with the schedule prescribed by the Commission.

3. As used in this section, "mine with the potential to emit mercury" means a mine that, as determined by the Director, has the potential to emit mercury.

Secs. 3-12. (Deleted by amendment.)

Sec. 13. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, *and section 2 of this act* to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, *and section 2 of this act* to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, *and section 2 of this act* are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State to provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances.

Sec. 14. NRS 445B.105 is hereby amended to read as follows:

445B.105 As used in NRS 445B.100 to 445B.640, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445B.110 to 445B.155, inclusive, have the meanings ascribed to them in those sections.

Secs. 15-27. (Deleted by amendment.)

Sec. 28. The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall, on or before June 30, 2009, review the regulations adopted pursuant to NRS 512.131 and revise those regulations to ensure the regulations comply with the amendatory provisions of section 1 of this act.

Sec. 29. The State Environmental Commission shall adopt the regulations required pursuant to section 2 of this act on or before December 31, 2007.

Sec. 30. This act becomes effective upon passage and approval.