State of Nevada
Dept. of Conservation & Natural Resources
State Environmental Commission
901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249

## Notice of Intent to Act Upon a Regulation

## Regulatory Hearing
## Adoption of Regulations and Other Matters Before the State Environmental Commission

The Nevada State Environmental Commission will hold a public hearing to receive comments from all interested persons regarding the amendment of permanent regulations that pertain to Chapters 445A and 445B of the Nevada Administrative Code (NAC).

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| Date: | Wednesday, December 16, 2026 |
| Time: | 9:00 AM |
| Location: | Nevada Department of Conservation and Natural Resources Bryan Building, First Floor, Bonnie B. Bryan Conference Room 901 S. Stewart St. Carson City, NV 89701. |

*Join the meeting virtually:*
*https://teams.microsoft.com/meet/2500463886681970?p=CYFjFp9y16e6Sbmsql*

*Meeting ID: 250 046 388 668 197 0*
*Passcode: hQ2ZD2Kq*

*Click to call from Mobile (audio only)*
*+1 775-321-6111,,402490356#*

*Call in by Phone (audio only)*
*United States: +1 775-321-6111*
*Meeting extension: 402 490 356#*

This meeting will also be streamed to the Red Rock Conference room at the Las Vegas Nevada Division of Environmental Protection (NDEP) offices, located at 375 East Warm Springs Road. The purpose of this meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda.

The following information is provided pursuant to the requirements of Nevada Revised Statutes (NRS) 233B.0603.

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## Request for Antidegradation Review Update – Gold Standard Ventures (US) Inc.

Background: The Nevada Division of Environmental Protection's Bureau of Water Pollution Control (Division) received an application from Gold Standard Ventures (US) Inc. for a new National Pollutant Discharge Elimination System (NPDES) permit for the South Railroad Mine project located approximately 20 miles southeast of Carlin, within Elko County, Nevada. The proposed discharge is treated intercepted groundwater to an unnamed tributary that flows into Dixie Creek. The antidegradation review conducted by the Division pursuant to Nevada Administrative Code (NAC) 445A.3045 and 445A.3046 has determined that the discharge may degrade the baseline water quality, interim baseline value, or requirement to maintain existing higher water quality, as applicable, for a parameter of concern in the receiving water that has been designated as having a tier 2 level of antidegradation protection. At the September 16, 2026, SEC hearing, the Commission passed a motion to allow the Division to commence Public Notice process for the proposed permit. This item will serve to follow up on that public notice and the SEC will decide whether to approve the Division's issuance of the permit pursuant to NAC 445A.3047.

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## Permanent Regulation R058-26: Bureau of Air Quality Planning – Adopt by Reference

1. **The need for and the purpose of the proposed regulation or amendment.**

The Nevada Division of Environmental Protection (NDEP) is proposing to amend Nevada Administrative Code (NAC) chapter 445B.221 to adopt applicable federal rules promulgated since the state regulation was last updated in April 2024. This is a routine activity. The update includes rulemakings under 40 CFR Parts 51, 52, 60, and 63.

The NDEP is delegated the implementation of certain federal Non-Source Point Source (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) rules that apply in Nevada. The proposed amendments update the state's "adoption by reference" regulation so that Nevada can request delegation for the implementation of new and revised NSPS and NESHAP promulgated since the last update. This will allow the regulated industry to continue to work with the state rather than the U.S. Environmental Protection Agency.

2. **If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved:**

The proposed regulation is not a temporary regulation.

3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

   a. **Both adverse and beneficial effects:**

There will be no added economic burden to small businesses or the regulated community due to Nevada Division of Environmental Protection's (NDEP) update to the federal rules adopted by reference in Nevada Administrative Code (NAC) 4458.221. The rules are federal requirements that the regulated business/industry must comply with regardless of whether the U.S. Environmental Protection Agency (USEPA) or NDEP implements them. Therefore, there will be no added economic impacts on the regulated industry due to this update.

There is no estimated economic effect on the public.

b. **Both immediate and long-term effects:**

See above.

4. **The methods used in determining the impact on a small business.**

NDEP used formal distribution lists (e.g. List-Serves), including county public libraries, to distribute the Public Workshop Notice and Agenda. Physical copies of the Notice and Agenda were posted in the NDEP buildings in Carson City and Las Vegas. The Agenda and Notice were also posted on the NDEP website, the Legislative Council Bureau's website and the official State of Nevada Website.

An impact on small businesses was not identified

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed regulation does not impose functions on the agency that it does not already provide, therefore no additional costs beyond what the agency would normally incur are expected.

6. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulations do not overlap or duplicate other State or federal regulations.

7. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**

The proposed amendments adopt federal regulations from 40 CFR Parts 51, 52, 60 and 63 in order to allow NDEP to implement them in Nevada.

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

The proposed regulations are not more stringent than federal regulations.

9. **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulations do not provide for a new fee or an increase to existing fees.

10. **If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied:**

The proposed regulation is not a temporary regulation.

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## Permanent Regulation R144-26: Bureau of Water Pollution Control – Treated Wastewater Reuse – Evaporative Cooling

1. **The need for and the purpose of the proposed regulation or amendment.**

R144-26 proposes to amend NAC 445A to remove a current prohibition on reuse of treated wastewater effluent for indoor contact cooling use in NAC 445A.275.2, and to add several regulations for allowing indoor contact cooling and humidification with Category A Reuse. The proposed changes are expected to have some economic impact on the regulated community, and no economic impact on the public or the Division.

2. **If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved:**

The proposed regulation is not a temporary regulation.

3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

   a. **Both adverse and beneficial effects:**

These regulation amendments only apply if this commercial/industrial sector chooses to use the technology. The regulations will require substantial effort to comply for public safety, but the cost of water resource options may offset the cost. There are no effects unless a commercial/industrial re-user chooses to apply for a permit to use the technology associated with the regulations.

There is no estimated economic effect on the public.

   b. **Both immediate and long-term effects:**

See above.

4. **The methods used in determining the impact on a small business.**

The Division solicited input from potentially affected small businesses by issuing a public workshop notice to its regulatory mailing lists, posting the notice and proposed regulation on the Division's website, and providing public notice consistent with Nevada's Open Meeting Law. Small businesses were invited to submit written comments or provide input during the workshop. Notification of the workshop was distributed using formal distribution lists (e.g. List-Serves), county public libraries, postings in NDEP buildings in Carson City and Las Vegas, the NDEP website, the Legislative Council Bureau's website and the official State website.

An impact on small businesses was not identified.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed regulatory amendment is not expected to create any additional enforcement costs for the agency.

6. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulations do not overlap or duplicate other State or federal regulations. The US EPA has indicated that this is an area of interest for the federal program, but regulations have not been promulgated at this time.

7. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**

The proposed regulation is not required pursuant to federal law.

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

The proposed regulations are not more stringent than federal regulations.

9. **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulations do not provide for a new fee or an increase to existing fees.

10. **If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied:**

The proposed regulation is not a temporary regulation.

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## Permanent Regulation R147-26: Bureau of Air Quality Planning – Nevada's Mercury Control Program

1. **The need for and the purpose of the proposed regulation or amendment.**

The proposed amendments to Nevada Administrative Code (NAC) 445B delete obsolete provisions from the Nevada Mercury Control Program, introduce two new permit revision paths (minor revision and notification of authorized change) with associated fees to simplify permitting actions when changes occur to the regulated industry, updated regulation a determination of de minimis mercury emissions as required by previous regulatory language, limit the number of extensions that a facility can apply for when construction is delayed, clarify fee language and add a fee to process de minimis applications. NDEP has greenlined portions of the proposed regulation after stakeholder engagement with the Nevada Mining Association to best meet the needs of the regulated industry.

The proposed regulatory amendments are needed to improve the Nevada Mercury Control Program by removing obsolete provisions of the Program, clarifying regulatory requirements, and providing additional permitting tools to address common changes by the regulated industry.

2. **If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved:**

The proposed regulation is not a temporary regulation.

3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

**a. Both adverse and beneficial effects:**

The proposed regulatory amendments are expected to have minimal economic effect on the business which it is to regulate. No adverse effects are expected. Beneficial effects may include providing additional certainty to the regulated industry by updating language, deleting obsolete provisions, and providing additional simplified permitting tools. Immediate and long-term effects include providing additional certainty to the regulated industry by updating language, deleting obsolete provisions, and providing additional simplified permitting tools.

The proposed regulatory amendments are not expected to have an economic effect on the public. The proposed regulatory amendments are not expected to have adverse effects. Beneficial effects should include the improved implementation of the Nevada Mercury Control Program. Immediate and long-term effects include the improved implementation of the Nevada Mercury Control Program.

**b. Both immediate and long-term effects:**

See above.

4. **The methods used in determining the impact on a small business.**

NDEP completed a cost comparison analysis for FY2025 Annual Maintenance Fees under the existing fee structure and the proposed Annual Maintenance Fee structure for small businesses within the Nevada Mercury Control Program. Out of the nine regulated small businesses that were identified, two currently have not paid annual maintenance fees due to ambiguity in the regulations under Nevada Administrative Code (NAC) 445B.3689. The proposed regulation would require all regulated businesses to pay annual maintenance fees under their permitted thermal unit count, regardless of operating status. This subjects those two regulated small businesses to pay annual maintenance fees. analysis showed that all small businesses that currently pay annual maintenance fees will not experience a fee increase under the proposed regulation.

NDEP also held a public workshop to solicit comment on the proposed regulatory changes on October 28, 2026, in Carson City and video conferenced to Las Vegas. The public workshop was available to attend by telephone and online via Microsoft Teams. The workshop minutes were posted on NDEP's public website on November 3, 2026. The documents will also be posted on the Nevada State Environmental Commission Website.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed regulatory amendments are not expected to create any additional enforcement costs for the agency.

6. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulatory amendments do not overlap or duplicate the regulations of any state or local government agency. The Nevada Mercury Control Program predates the federal mercury program, implemented by EPA; however, NDEP strives to harmonize requirements when practicable.

7. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**

The proposed regulation is not required pursuant to federal law.

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

The Nevada Mercury Control Program is a state regulatory program and is no more stringent than the federal EPA mercury program.

9. **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulatory amendments establish fees for minor revisions and notification of authorized change, which are proposed to be set at $2,500 and $1,000, respectively. The current regulation only allows for a revision, set at $5,000, for any changes to a permit. The proposed regulatory amendments will simplify permitting practices and will set a lower fee for those types of changes that meet the requirements, which will provide a lower cost to the regulated industry. It is anticipated that the small decrease in permitting fees can be absorbed by NDEP.

10. **If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied:**

The proposed regulation is not a temporary regulation.

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## Permanent Regulation R153-26: Bureau of Water Pollution Control – Wastewater Operator Certification

1. **The need for and the purpose of the proposed regulation or amendment.**

R153-26 proposes to amend NAC 445A to add a new grade of wastewater treatment operator for small wastewater systems and provides language to clarify existing regulatory requirements regarding plan review and wastewater examinations. These changes will allow for the reclassification of small rural wastewater treatment facilities, which allows for a new wastewater operator certification that will be more quickly and feasibly attained for the day-to-day operation of these systems.

The proposed regulatory amendment is needed to allow small wastewater treatment facilities to more easily obtain a day-to-day wastewater treatment operator to run the

wastewater treatment facilities. Rural areas with small wastewater pond systems struggle to keep up with the requirement to have a Grade 1 certified wastewater operator to run the wastewater treatment facility. This new certification will provide a different exam that is more focused on small systems, experience requirements can be more quickly attained, and sewage treatment related education requirements will be fewer than that of a Grade 1 operator. Currently, there are many facilities that have contract operators, but no day-to-day operators to address any issues that occur at the wastewater treatment facility.

2. **If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved:**

The proposed regulation is not a temporary regulation.

3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

   a. **Both adverse and beneficial effects:**

The proposed regulations are expected to have minimal economic impact on regulated businesses. This regulatory amendment does not change the need for the wastewater treatment facilities to have a certified wastewater treatment operator but allows for a new grade of operator that is more applicable to small rural systems. No significant adverse economic effects are expected. The updates do not add new requirements but provide more options. The creation of a small wastewater system operator will allow for a more direct and attainable path for the certification to operate small systems. The ability to provide a day-to-day wastewater operator will help ensure regulated facilities maintain compliance with Nevada Water Pollution Control Law. The updates provide more options for small wastewater facilities to obtain day-to-day operation of their facility.

There is no estimated economic effect on the public. The public may benefit from better oversight of small wastewater treatment systems to ensure protection of human health and the environment.

   b. **Both immediate and long-term effects:**

See above.

4. **The methods used in determining the impact on a small business.**

The Division solicited input from potentially affected small businesses by issuing a public workshop notice to its regulatory mailing lists, posting the notice and proposed regulation on the Division's website, and providing public notice consistent with Nevada's Open Meeting Law. Small businesses were invited to submit written comments or provide input during the workshop.

The proposed regulations are not expected to have an economic impact on regulated small businesses. This regulatory amendment does not change the need for the wastewater treatment facilities to have a certified wastewater treatment operator but allows for a new grade of operator that is more applicable to small rural systems. No significant adverse economic effects are expected. The updates do not add new

requirements but provide more options. The creation of a small wastewater system operator will allow for a more direct and attainable path for the certification to operate small systems. The ability to provide a day-to-day wastewater operator will help ensure regulated facilities maintain compliance with Nevada Water Pollution Control Law. The updates provide more options for small wastewater facilities to obtain day-to-day operation of their facility.

If the proposed regulation is determined to have an economic impact on small businesses, the Division will conduct an analysis by reviewing any comments submitted by small businesses, evaluating information provided during the public workshop, and assessing the nature and extent of any reported costs or operational effects. The Division will also consider the number and type of small businesses affected and the specific regulatory provisions identified as creating an impact. The results of this analysis will be summarized in the Small Business Impact Statement and made available to interested persons upon request.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

The proposed amendments are not expected to create any additional enforcement costs for the agency.

6. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulatory amendment does not overlap or duplicate the regulations of any other state or government agency.

7. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**

The proposed regulation is not required pursuant to federal law.

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

The proposed regulations are not more stringent than federal regulations. The proposed regulatory amendment is consistent with the Division's federal designation per the Clean Water Act.

9. **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulatory amendment will add a new grade of wastewater treatment operator for small wastewater systems and an associated fee. Additionally, the amendment allows a pathway for wastewater treatment operators to take an examination without applying for a restricted certificate or for a full certificate. There is also an "examination only" fee that did not exist before and a new full application fee that will factor in the operator already paying for the examination fee. The Division expects these amendments to be fiscally neutral.

10. **If the proposed regulation is a temporary regulation, each address at which the text**

**of the regulation may be inspected and copied:**

The proposed regulation is not a temporary regulation.

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**Additional Information:** Persons wishing to comment on the proposed actions of the SEC may participate in the scheduled public hearing (virtually or by phone) or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 375 East Warm Springs Road, Suite 200.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (375 East Warm Springs Road, Suite 200), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21st Street, Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations will also be available on the SEC's website at: https://sec.nv.gov/meetings/sec-meeting-september-16-2026. The proposed regulation denoted in this notice, is, or will be, posted on the Legislative Counsel Bureau's website at http://www.leg.state.nv.us/register/ and also the Department of Administration's website at https://notice.nv.gov/.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Sheryl Fontaine, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m. on September 9, 2026.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Las Vegas-Clark County Library District
Director of Marketing and Community Relations
7060 W. Windmill
Las Vegas, Nevada 89113

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Library - Closed
Posted at Clerk's Office
Address below:

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

White Pine County Library
950 Campton Street
Ely, Nevada 89301