



What happens if a mine operator pollutes groundwater or violates other environmental laws, regulations, or permit requirements?

The State of Nevada has numerous environmental statutes and regulations that must be followed by all mine operators. Requirements in Water Pollution Control Permits and Reclamation Permits are also binding. Compliance is determined during site inspections performed by the Division, usually quarterly, and by the review of monitoring reports submitted by the operator, also quarterly for most mine facilities. While most mining companies in Nevada operate in a responsible and conscientious manner, incidents do occur on occasion. These can range from a small accidental release of a chemical to a major spill or gross permit violation. Regardless of the violation, an investigation is conducted by the mine operator and the Division. Any operator that is found to be operating negligently or unlawfully will be held accountable and will be required to correct the violation and clean up any environmental impacts. As a case in point, Nevada mine operators are required to clean up all chemical spills to the environment. Except for the smallest spills, the Division oversees the cleanup and requires analyses to confirm that the contaminated soil or water has been cleaned up to approved concentrations.

The Division follows a progressive enforcement policy. If the violation is minor and isolated, the Division will work with the operator to correct the problem informally. However, if the violation is severe or if there is a history of non-compliance, the Division may issue a formal enforcement action called a “Finding of Alleged Violation and Order” (FOAV). The “Finding” part outlines the regulations and Permit requirements and the evidence that a violation has occurred. The “Order” is a set of actions the violator must perform by specified dates to bring the facility back into regulatory compliance. The enforcement action will include a “Show Cause” meeting wherein the violator is given the opportunity to come to the Division offices to tell their side of the story; this is followed by a “Penalty Panel”. The Penalty Panel is made up of four Division bureau chiefs who review the case and decide on a settlement offer in lieu of a court action. The dollar amount of the settlement offer is based on the severity of the violation(s) and other factors. Payment of the settlement offer does not eliminate the operator’s responsibility to clean up any remaining environmental impacts. Once the non-compliance is fully addressed by the operator, the FOAV is closed. If the violator does not respond to the Order, he or she is referred to the Nevada State Attorney General for court action including maximum penalties (\$25,000 per violation per day). However, most mining companies do not progress to this step, but instead elect to clean up the environmental impacts with Division oversight and pay the settlement offer.