

Bureau of Mining Regulation and Reclamation

POLICY AND PROCEDURES FOR ENFORCEMENT ACTIONS

The Bureau of Mining Regulation and Reclamation (BMRR) takes enforcement actions in accordance with Nevada Revised Statutes (NRS) 445A.675 and 445A.690. The Bureau Chief decides whether a violation requires enforcement action.

The enforcement document issued by BMRR is a Finding of Alleged Violation and Order (FOAV/Order). The Finding describes the situation and which statutes, regulations, or permit conditions have allegedly been violated. The Order sets forth corrective actions to be undertaken to correct the violation(s) and a schedule for completion of the corrective actions.

An FOAV/Order is normally prepared by the Regulation Branch Compliance Inspector assigned to the mine facility. The draft FOAV/Order is reviewed by the Regulation Branch Supervisor and the Bureau Chief. The final FOAV/Order is effective upon issuance, but an appeal may be filed within 30 days, to the State Environmental Commission.

A Show Cause meeting is required in an Order but can be waived at the defendant's request. This meeting provides an opportunity for the defendant to present all of the information regarding the incident in question, including a description of environmental impacts and corrective actions taken.

Upon completion of the Show Cause meeting, a meeting of the Penalty Panel is scheduled to hear the case. The Penalty Panel meeting is held in accordance with the Division Civil Penalty Policy. The Panel determines a proposed settlement amount. The Bureau Chief or designate, contacts the defendant to discuss the proposed settlement amount and the option of a supplemental environmental project (SEP) in lieu of the settlement amount. The Compliance Inspector sends a letter to the defendant describing the decision of the Penalty Panel and the amount of the proposed settlement, if any. If the defendant accepts the settlement amount, the acknowledgement portion of the letter is signed and returned to the BMRR.

If the defendant does not accept the settlement amount, a counterproposal may be offered. This counterproposal usually consists of a payment plan that is presented to the Bureau Chief for acceptance, or further negotiation. If a settlement cannot be agreed upon, the case is referred to the Office of the Attorney General for processing and collection.

When confirmation is received of the payment of the full settlement amount or completion of an approved SEP, the case is closed and retained in the BMRR enforcement file. If the defendant does not pay the settlement amount or complete an approved SEP, the case will either be turned over to the State Treasury for collection or referred to the Attorney General.

Per Division policy, no permits are to be issued, modified or renewed for facilities which have unresolved Division enforcement actions without Bureau Chief approval. This applies also to facilities which are owned, operated, or managed by persons having unresolved enforcement actions at other facilities under their control.