

Nevada Division of Environmental Protection—Bureau of Mining Regulation and Reclamation
Permitting Requirements for Lithium Exploration and Extraction Activities

The State of Nevada, Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (NDEP-BMRR) has learned of your company/agency/organization’s interest in exploring and potentially extracting lithium from brines and/or ores in Nevada. The State of Nevada and NDEP-BMRR are supportive of these activities and is available to provide assistance and guidance to your company during the environmental permitting process. It is the primary mission of NDEP-BMRR is to ensure that Nevada's waters are not degraded by these activities and that the lands disturbed as a result of these activities are reclaimed to safe and stable conditions to ensure a productive post-mining land use.

General Information—Regulation Branch

NDEP-BMRR issues water pollution control permits for mining operations, in accordance with Nevada Administrative Code (NAC) 445A.350 through 445A.447. The Nevada Mining Regulations are available for download at:

<http://www.leg.state.nv.us/NAC/NAC-445A.html#NAC445ASec350>

Whereas certain mining and exploration activities have been specifically exempted from the NDEP-BMRR regulatory permitting program, pursuant to Nevada Administrative Code (NAC) 445A.387, lithium exploration and extraction have not, due to the potential of these activities to degrade surface and groundwaters of the State.

To obtain a permit, an applicant must complete and submit a Mining Water Pollution Control Permit (WPCP) Application and an appropriate fee. The NDEP-BMRR Regulation Branch issues specific types of Permits, however for those operators exploring and potentially extracting lithium from brines and/or ores in Nevada, one of the following may be required:

- Water Pollution Control Permit Application,
- Temporary Discharge Permit Application, or
- Discharge Permit Application

A WPCP application should be submitted at least 180 days prior to the planned construction date of any component of a mining operation or the planned start of mining. It takes approximately 180 days to obtain a WPCP. This time frame includes the public notice and a 30-day public review and comment period. A WPCP is valid for a 5-year duration, provided the operator remains in compliance with the regulations.

A permit renewal is required to continue the mining operations beyond 5 years. Monitoring is required by the permit on a process and site-specific basis and reporting is

required quarterly. Fees associated with the WPCP include application, annual, and renewal fees as specified at NAC445A.232. Prior to submitting a WPCP application, the prospective applicant must meet with Division representatives to discuss location, operating plans, and general characteristics of the facility. The application, in addition to basic ownership and facility information, must include meteorological information, a complete description of the proposed activity, characterization of the ore, waste rock, and all potential receiving waters, and the production rate in tons of ore per year or in the case of a discharge, gallons of water per day. The application must be accompanied by required supporting documents on the design, construction, operation, and closure of operations. Documentation of notice to the local board of county commissioners is also required.

https://ndep.nv.gov/uploads/documents/SPL6_StAndFedPermitsRequired_201110_V1.pdf

https://ndep.nv.gov/uploads/documents/201712_PandP_Water_Pollution_Control_Permits.pdf

The Water Pollution Control Permit Application and Discharge Permit Application can be found at:

https://ndep.nv.gov/uploads/documents/201507_WPCP_Application_Instructions.pdf

The Temporary Discharge Permit Application can be found at:

https://ndep.nv.gov/uploads/documents/201506_TempDischargePermitApplication.pdf

The fee schedule can be found at:

https://ndep.nv.gov/uploads/documents/201712_BMRR_WPC_Permit_fee_Schedule.pdf

Permit applications are assigned by the Regulation Branch Supervisor to the Permit Engineers for review and processing. The major steps and timeframes of the application review process can be found in the guidance document “Time Allowed for Review of Water Pollution Control Permit Applications and Modifications”, available at:

https://ndep.nv.gov/uploads/documents/201712_Time_Allowed_for_Review_of_WPC_Permit_Applications_and_Modifications.pdf

Within 30 days of receipt of the application, an administrative review is performed to determine whether the application contains the necessary information, using the check list “Application Requirements for Mining Operations”. When the application is administratively complete, a technical review is performed to determine whether the proposed facility is in compliance with the regulations. A period of 90 days is allowed for the technical review. The review timeframes do not include any time necessary to obtain required information lacking in the permit application.

Upon completion of the administrative and technical reviews, a draft permit and fact sheet are prepared. NDEP-BMRR has the option to propose permit issuance or denial.

A notice of proposed action is published in a newspaper in the geographic area of the proposed facility and is also sent to interested parties on the NDEP-BMRR mailing list. The mailing list is comprised of agencies, tribes, groups, companies, and individuals who may be affected by or interested in the proposed action. Interested members of the public may request a hearing on the proposed action. Comments received during the 30-day public comment period and at the public hearing, if required, are addressed in the notice of decision that is issued with the permit if appropriate. Within 10 days following the notice of decision being issued, interested parties may request a hearing with the State Environmental Commission (SEC). NDEP-BMRR's decision may be appealed by the SEC.

The permit is valid for a maximum of five years and is renewable in five year increments. A valid permit must be maintained through the life of the facility. Once permanent closure is complete, the facility may be covered by a post-closure Water Pollution Control Permit that delineates required post-closure monitoring for the closed facility.

The permit application documents and associated files are maintained in NDEP-BMRR offices and are available for public review. Documents in the files include permits, correspondence, technical information, monitoring reports, inspection reports, spill reports and enforcement records.

Exploration Drilling and Bulk Sample Collection

NDEP-BMRR issues Temporary Discharge Permits for mineral exploration projects on a regular basis, typically for well pump testing and temporary dewatering for mineral exploration projects on a regular basis, typically for well pump testing and temporary dewatering.

A Temporary Discharge Permit is required if the following three (3) conditions are met: 1) The discharge is greater than 250 gallons per minute; 2) The test is greater than 48 hours in duration; and 3) The discharge water has the potential to violate any water quality standard.

The Temporary Discharge Permit has a 180-day maximum period of time, pursuant to Nevada Revised Statutes (NRS) 445A.485, after which time the discharge shall cease or the discharger shall have applied for and received a five (5) year Discharge Permit (a WPCP), NRS 445A.495. A \$250.00 fee is due at the time of application, pursuant to NAC 445A.232.

The possession of a valid Temporary Discharge Permit does not circumvent or supersede the need for any additional permits or authorizations from other agencies. All local, State, and Federal laws and regulations must be complied with, including reporting requirements and permit requirements for activities that are not regulated by the WPCP; e.g., air emissions. The Temporary Discharge Permit Application is available for downloading at:

https://ndep.nv.gov/uploads/documents/201506_TempDischargePermitApplication.pdf

NDEP-BMRR issues WPCPs for any bulk sample collection activity that uses mechanized equipment such as a loader, bobcat, dozer, and backhoe of any size to extract ore bearing material. The WPCP application is found at:

https://ndep.nv.gov/uploads/documents/201507_WPCP_Application_Instructions.pdf

Specific support documentation to be supplied with the application can be found at:

https://ndep.nv.gov/uploads/documents/Checklist_AppRequirements_MiningOps.pdf

As part of the application submittal, NDEP-BMRR requires that characterization of groundwater and surface waters, as well as ore, waste rock and overburden be performed and analytical results submitted. Additional guidance documents are as follows:

Guidance for Hydrogeologic Groundwater Flow Modeling at Mine Sites

https://ndep.nv.gov/uploads/documents/201803_CPN_Hydro_Guidance_revision01.pdf

Listing of Accepted Codes for Groundwater and Geochemical Modeling at Mine Sites

https://ndep.nv.gov/uploads/documents/201804_CPN_BMRR_codes_listing.pdf

Material Characterization

https://ndep.nv.gov/uploads/documents/201712_Waste_Rock,_Overburden,_and_Ore_Evaluation.pdf

https://ndep.nv.gov/uploads/documents/201712_MWMP-BottleRollOption.pdf

https://ndep.nv.gov/uploads/documents/201712_Nevada_Modified_Sobek_Procedure_-_2015.pdf

<https://www.astm.org/Standards/E2242.htm>

<https://ndep.nv.gov/land/mining/regulation/guidance-policies-references-and-requirements>

General Information—Reclamation Branch

The Reclamation Branch regulates mining in Nevada under the authority of the Nevada Revised Statutes ([NRS 519A.010 - NRS 519A.280](#)) and the Nevada Administrative Code ([NAC 519A.010 - NAC 519A.415](#)). The branch issues a Reclamation Permit to an operator prior to construction of any exploration, mining, milling or other beneficiation process activity that proposes to create disturbance over 5 acres or remove in excess of 36,500 tons of material (ore plus overburden) from the earth, in any calendar year. Aggregate or sand pit operations excluded from obtaining a reclamation permit pursuant

to NAC 519A.080 and NAC 519A.045. Note that a small mining operation is not exempt from the WPCP requirements.

In determining the proposed surface area disturbance, an operator must account for all land proposed to be disturbed as well as existing disturbances that will be part of the project. Land shall be considered disturbed until all reclamation activities have been completed to establish a productive post mining use of the land.

Reclamation Branch

- Exploration Project Exploration Plan and Permit Application,
- Mining Operation Permit Application, or
- Small Mining Operation Information and Documentation Filing

Per NAC 519A.410, the operator of a small mining operation/exploration project must file with the BMRR a “Small Mining Operations Information and Documentation” form.

https://ndep.nv.gov/uploads/documents/201711_SmallMinersForm.pdf

The Reclamation Branch has several guidance documents available for download. These can be found at:

<https://ndep.nv.gov/uploads/documents/201506jbExplorPlanApplica.pdf>

https://ndep.nv.gov/uploads/documents/201508jb_MinePlanApplica.pdf

Additional Information

For questions or concerns regarding the Regulation Branch or Water Pollution Control Permitting Process, please feel free to contact:

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For questions or concerns regarding the Reclamation Branch or the Reclamation Bond Process, please feel free to contact:

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