

# PROPOSED REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

## Petition 2000-03

Explanation: Matter in *italics* is new language. Matter in ~~[ ]~~ and ~~strikeout~~ is material to be omitted.

AUTHORITY: NRS 445A.425 and 445A.430

**Section 1.** NAC 445A.232 is hereby amended to read as follows:

445A.232 Fees. (NRS 445A.425, 445A.430) ~~[Effective until July 1, 1999.]~~ *Effective until July 1, 2001*

1. Except as otherwise provided in subsection ~~[s 2 and]~~ 5, a nonrefundable application fee must accompany each original application for a permit, *each application for a major permit modification* and each application to renew a permit which is submitted to or required by the director. The director shall charge the following fees:

<del>[</del> Type of Discharge <del>]</del>	<del>Application</del>	<del>Application</del>	<del>Fee for</del>
<del>Permitted</del>	<del>Fee for Original</del>	<del>Fee for Renewal</del>	<del>Annual</del>
	<del>Permit</del>	<del>of Permit</del>	<del>Review</del>
			<del>and</del>
			<del>Services</del>
<del>DOMESTIC WASTE WATER</del>			
<del>5,000 or more but less</del>			
<del>than 25,000 gallons</del>			
<del>daily</del>	<del>\$375</del>	<del>\$125</del>	<del>\$600</del>
<del>25,000 or more but less</del>			
<del>than 100,000 gallons daily</del>	<del>500</del>	<del>250</del>	<del>850</del>
<del>100,000 or more but less</del>			
<del>than 1,000,000 gallons daily</del>	<del>750</del>	<del>375</del>	<del>1,000</del>
<del>1,000,000 or more but less</del>			
<del>than 10,000,000 gallons daily</del>	<del>1,000</del>	<del>500</del>	<del>2,000</del>
<del>10,000,000 or more gallons</del>			
<del>daily</del>	<del>1,250</del>	<del>625</del>	<del>2,500]</del>

SEC Petition 2000-03 was submitted to LCB on November 17, 1999 for drafting as a permanent regulation. Of note, sections 1 and 2 were previously amended by LCB File R-018-99 SEC 1999-02 as effective on September 27, 1999. This petition effected only the mining water pollution control fees. This petition shows amended language in section 1 and 2, in **subsection 6** as presented to the State Environmental Commission on December 16, 1999. This petition will be known as LCB File R-206-99.

<b><i>DOMESTIC WASTE WATER</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Less than 50,000 gallons daily. . .</i>	<b>\$1,000</b>	<b>\$1,000</b>
<i>50,000 or more but less than 250,000 gallons daily. . .</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>250,000 or more but less than 500,000 gallons daily. . .</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>1,000,000 or more but less than 2,000,000 gallons daily. ..</i>	<b>\$4,000</b>	<b>\$4,000</b>
<i>2,000,000 or more but less than 5,000,000 daily. . . .</i>	<b>\$6,000</b>	<b>\$6,000</b>
<i>5,000,000 or more but less than 10,000,000 gallons daily ...</i>	<b>\$10,000</b>	<b>\$10,000</b>
<i>10,000,000 or more but less than 20,000,000 gallons daily...</i>	<b>\$20,000</b>	<b>\$10,000</b>
<i>20,000,000 or more but less than 40,000,000 gallons daily</i>	<b>\$30,000</b>	<b>\$10,000</b>
<i>Greater than 40,000,000 gallons daily. . . .</i>	<b>\$40,000</b>	<b>\$10,000</b>
<b><i>REUSE DISCHARGES</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Less than 50,000 gallons daily. . . .</i>	<b>\$750</b>	<b>\$750</b>
<i>50,000 or more but less than 250,000 gallons daily. . . .</i>	<b>\$1,000</b>	<b>\$1,000</b>
<i>250,000 or more but less than 500,000 gallons daily. . . .</i>	<b>\$1,250</b>	<b>\$1,250</b>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>1,000,000 or more but less than 10,000,000 gallons daily..</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>10,000,000 or more but less than 20,000,000 gallons daily.</i>	<b>\$2,500</b>	<b>\$2,500</b>
<i>20,000,000 or more but less than 40,000,000 gallons daily.</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>40,000,000 or more daily. . . .</i>	<b>\$3,500</b>	<b>\$3,500</b>

SEC Petition 2000-03 was submitted to LCB on November 17, 1999 for drafting as a permanent regulation. Of note, sections 1 and 2 were previously amended by LCB File R-018-99 SEC 1999-02 as effective on September 27, 1999. This petition effected only the mining water pollution control fees. This petition shows amended language in section 1 and 2, in **subsection 6** as presented to the State Environmental Commission on December 16, 1999. This petition will be known as LCB File R-206-99.

<b><i>DISCHARGES FROM MANUFACTURING, POWER PLANTS, FOOD PROCESSING, DEWATERING, REMEDIATION, COMMERCIAL AND ANY OTHER INDUSTRIAL DISCHARGE NOT OTHERWISE SPECIFIED</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Cooling water only . . . .</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>Less than 50,000 gallons of process water daily . . . .</i>	<b>\$2,500</b>	<b>\$2,500</b>
<i>50,000 or more but less than 250,000 gallons of process water daily . .</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>250,000 or more but less than 500,000 gallons of process water daily.</i>	<b>\$4,000</b>	<b>\$4,000</b>
<i>500,000 or more but less than 1,000,000 gallons of process water daily. . . .</i>	<b>\$5,000</b>	<b>\$5,000</b>
<i>1,000,000 or more but less than 2,000,000 gallons of process water daily...</i>	<b>\$6,000</b>	<b>\$6,000</b>
<i>2,000,000 or more but less than 5,000,000 gallons of process water daily . . . .</i>	<b>\$8,000</b>	<b>\$8,000</b>
<i>5,000,000 or more but less than 10,000,000 gallons of process water daily . . . .</i>	<b>\$10,000</b>	<b>\$10,000</b>
<i>10,000,000 or more but less than 20,000,000 gallons of process water daily...</i>	<b>\$20,000</b>	<b>\$10,000</b>
<i>20,000,000 or more but less than 40,000,000 gallons of process water daily . . . .</i>	<b>\$30,000</b>	<b>\$10,000</b>
<i>40,000,000 or more daily...</i>	<b>\$40,000</b>	<b>\$10,000</b>
 <b><i>DRINKING WATER TREATMENT PLANTS</i></b>	 <b><u>ANNUAL FEE</u></b>	 <b><u>APPLICATION FEE</u></b>
<i>Intermittent discharges less than 100,000 gallons daily....</i>	<b>\$500</b>	<b>\$500</b>
<i>Intermittent discharges greater than 100,000 but less than 1,000,000 gallons daily....</i>	<b>\$750</b>	<b>\$750</b>
<i>Intermittent discharges greater than 1,000,000 gallons daily....</i>	<b>\$1,000</b>	<b>\$1,000</b>
<i>Routine discharge less than 100,000 gallons daily. . . .</i>	<b>\$500</b>	<b>\$500</b>

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<i>Routine discharge greater than 100,000 but less than 1,000,000 gallons daily....</i>	<i>\$750</i>	<i>\$750</i>
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<i>Routine discharge greater than 1,000,000 gallons daily</i>	<i>\$1,000</i>	<i>\$1,000</i>
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<b><i>CONFINED ANIMAL FEED OPERATIONS (CAFO) FACILITIES WITH A DISCHARGE OF WASTEWATER</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
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<i>Less than 100,000 gallons daily . . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
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<i>100,000 gallons or more but less than 500,000 gallons daily.</i>	<i>\$2,000</i>	<i>\$2,000</i>
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<i>500,000 or more gallons daily. .</i>	<i>\$2,500</i>	<i>\$2,500</i>
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<b><i>CAFO FACILITIES WITHOUT A DISCHARGE OF WASTEWATER (assume 100 ft<sup>2</sup>/animal)</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
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<i>Area of Holding Facility 0 to 10 acres. . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
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<i>Area of Holding Facility 10 to 20 acres. . . .</i>	<i>\$2,000</i>	<i>\$2,000</i>
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<i>Area of Holding Facility 20 acres or more. . . .</i>	<i>\$2,500</i>	<i>\$2,500</i>
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<b><i>DISCHARGE FROM FISH HATCHERIES</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
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<i>Less than 500,000 gallons daily. . . .</i>	<i>\$750</i>	<i>\$750</i>
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<i>500,000 to 2,500,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
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<i>2,500,000 gallons or more daily.</i>	<i>\$1,500</i>	<i>\$1,500</i>
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<b><i>OTHER PERMITTED DISCHARGES</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
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<i>Less than 50,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
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<i>50,000 or more but less than 250,000 gallons daily. .</i>	<i>\$1,500</i>	<i>\$1,500</i>
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<b><i>OTHER PERMITTED DISCHARGES</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>250,000 or more but less than 500,000 gallons daily..</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<b>\$5,000</b>	<b>\$5,000</b>
<i>1,000,000 or more but less than 10,000,000 gallons daily...</i>	<b>\$10,000</b>	<b>\$10,000</b>
<i>10,000,000 or more but less than 35,000,000 gallons daily. .</i>	<b>\$20,000</b>	<b>\$10,000</b>
<i>35,000,000 or more gallons daily. . . .</i>	<b>\$30,000</b>	<b>\$10,000</b>

<b><i>BIOSOLIDS REUSE</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Less than 20,000 cubic yards per year</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>Above 20,000 cubic yards per year</i>	<b>\$3,000</b>	<b>\$3,000</b>

***SEPTAGE REUSE*** **\$1,000** **\$1,000**

***DISCHARGE FROM RECREATIONAL LAKE FOR WATER QUALITY PURPOSES*** **\$5,000** **\$5,000**

***TEMPORARY PERMIT*** **NA** **\$250**

**~~[MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES),] MINING DEWATERING DISCHARGES TO GROUNDWATER [AND OTHER INDUSTRY]~~**

Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily	\$625	\$315	\$1,500

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50,000 or more but less than 1,000,000 gallons of process water daily	875	440	2,000
1,000,000 or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
5,000,000 or more gallons of process water daily	1,250	625	3,000

~~— [WATER TREATMENT PLANTS~~

<del>— Intermittent discharge</del>	<del>— \$250</del>	<del>— \$125</del>	<del>— \$500</del>
<del>— Routine discharge</del>	<del>— 375</del>	<del>— 190</del>	<del>— 750]</del>

MINING

Discharging washwater where chemicals are not added for metallurgical recovery	\$500	\$500	\$250
Chemically processing less than 18,250 tons per year or a pilot or testing facility	500	500	250
Chemically processing 18,250 to less than 36,500 tons per year	\$1,500	\$1,500	\$1,000
Chemically processing 36,500 to less than 100,000 tons per year	4,000	4,000	2,000
Chemically processing 100,000 to less than 500,000 tons in 1 year	6,000	6,000	4,000

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Chemically processing 500,000 to less than 1,000,000 tons per year	10,000	10,000	6,000
Chemically processing 1,000,000 to less than 2,000,000 tons per year	\$14,000	\$14,000	\$10,000
Chemically processing more than 2,000,000 tons per years	20,000	20,000	16,000
Monitoring of closed facilities	250	250	500

#### STORM WATER RUNOFF

Industrial or commercial facility, including any structure, that is 5 to 10 acres, inclusive, in size	\$300	\$150	\$750
Industrial or commercial facility, including any structure, that is greater than 10 acres and less than 25 acres in size	\$600	\$300	\$750
Industrial or commercial facility, including any structure, that is greater than 25 acres in size	1,000	500	750
Municipality whose population is 250,000 or less	600	300	750

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Municipality whose population is greater than 250,000	1,000	500	1,000
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~~[ MISCELLANEOUS DISCHARGES~~

<del>Discharge from fish hatcheries</del>	<del>\$250</del>	<del>\$125</del>	<del>\$300</del>
<del>Other permits for discharge</del>	<del>250</del>	<del>125]</del>	<del>500</del>

2. ~~[An applicant for a permit or for the renewal of a permit to use wastewater for irrigation which has been treated by a person other than the applicant must pay a fee in an amount equal to 75 percent of the amount of the fee required by subsection 1 for domestic wastewater.] All fees shall be charged at the permitted flow in gallons per day, not design capacity. This applies to all categories.~~

3. The fee for a permit with a term of less than 5 years must be reduced by the director in accordance with the term of the permit, but in no case may the fee be reduced by an amount equal to more than one-third of the fee stated in subsection 1.

4. If required, the fee for the annual review and services must be submitted to the division on or before July 1 of each year.

5. If a storm water runoff permit is not required, the director may refund the application fee for the permit.

6. *Effective July 1, 2002, and each biennium thereafter, a 5% increase shall be applied to annual fees payable to the Bureau of Water Pollution Control listed above per the following formula.*

$$FAF = AF * (1+i)^n \text{ where:}$$

*FAF equals future annual fee*

*AF equals the annual fee from the above table*

*i equals 5% (.05)*

- n equals*
- 1, July 1, 2002 to June 30, 2004*
  - 2, July 1, 2004 to June 30, 2006*
  - 3, July 1, 2006 to June 30, 2008*
  - 4, July 1, 2008 to June 30, 2010*
  - 5, on or after July 1, 2010*

*EX: A discharger's annual fee is listed as \$2000 in the table above, the fee due July 1, 2008 is \$2000\*(1.05)<sup>4</sup>=\$2431. Application fees shall remain the same. Fee amounts shall be rounded to the nearest dollar amount.*

*7. The Division may approve an alternate payment plan upon receiving a hardship petition from the Permittee.*

**Section 2:** NAC 445A.232 is hereby amended to read as follows:

445A.232 Fees. (NRS 445A.425, 445A.430) [Effective July 1, 2001.]

1. Except as otherwise provided in subsection ~~[s 2 and]~~ 5, a nonrefundable application fee must accompany each original application for a permit, *each application for a major modification* and each application to renew a permit which is submitted to or required by the director. The director shall charge the following fees:

<del>Type of Discharge Permitted</del>	<del>Application Fee for Original Permit</del>	<del>Application Fee for Renewal of Permit</del>	<del>Fee for Annual Review and Services</del>
<del>DOMESTIC WASTE WATER</del>			
<del>5,000 or more but less than 25,000 gallons daily</del>	<del>\$375</del>	<del>\$125</del>	<del>\$600</del>
<del>25,000 or more but less than 100,000 gallons daily</del>	<del>500</del>	<del>250</del>	<del>850</del>
<del>100,000 or more but less than 1,000,000 gallons daily</del>	<del>750</del>	<del>375</del>	<del>1,000</del>
<del>1,000,000 or more but less than 10,000,000 gallons daily</del>	<del>1,000</del>	<del>500</del>	<del>2,000</del>
<del>10,000,000 or more gallons daily</del>	<del>1,250</del>	<del>625</del>	<del>2,500</del>

<i>DOMESTIC WASTE WATER</i>	<i><u>ANNUAL FEE</u></i>	<i><u>APPLICATION FEE</u></i>
<i>Less than 50,000 gallons daily. . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 or more but less than 250,000 gallons daily. .</i>	<i>\$1,500</i>	<i>\$1,500</i>

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<b><i>DOMESTIC WASTE WATER</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>250,000 or more but less than 500,000 gallons daily.</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>500,000 or more but less than 1,000,000 gallons daily. .</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>1,000,000 or more but less than 2,000,000 gallons daily.</i>	<b>\$4,000</b>	<b>\$4,000</b>
<i>2,000,000 or more but less than 5,000,000 gallons daily.</i>	<b>\$6,000</b>	<b>\$6,000</b>
<i>5,000,000 or more but less than 10,000,000 gallons daily</i>	<b>\$10,000</b>	<b>\$10,000</b>
...		
<i>10,000,000 or more but less than 20,000,000 gallons daily...</i>	<b>\$20,000</b>	<b>\$10,000</b>
<i>20,000,000 or more but less than 40,000,000 gallons daily</i>	<b>\$30,000</b>	<b>\$10,000</b>
<i>Greater than 40,000,000 gallons daily. . . .</i>	<b>\$40,000</b>	<b>\$10,000</b>
 <b><i>REUSE DISCHARGES</i></b>	 <b><u>ANNUAL FEE</u></b>	 <b><u>APPLICATION FEE</u></b>
<i>Less than 50,000 gallons daily. . . .</i>	<b>\$750</b>	<b>\$750</b>
<i>50,000 or more but less than 250,000 gallons daily. . . .</i>	<b>\$1,000</b>	<b>\$1,000</b>
<i>250,000 or more but less than 500,000 gallons daily. . . .</i>	<b>\$1,250</b>	<b>\$1,250</b>
<i>500,000 or more but less than 1,000,000 gallons daily. . .</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>1,000,000 or more but less than 10,000,000 gallons daily.</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>10,000,000 or more but less than 20,000,000 gallons daily.</i>	<b>\$2,500</b>	<b>\$2,500</b>
<i>20,000,000 or more but less than 40,000,000 gallons daily.</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>40,000,000 or more daily. . . .</i>	<b>\$3,500</b>	<b>\$3,500</b>

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<i>Cooling water only . . . .</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>Less than 50,000 gallons of process water daily . . . .</i>	<b>\$2,500</b>	<b>\$2,500</b>
<i>50,000 or more but less than 250,000 gallons of process water daily . . . .</i>	<b>\$3,000</b>	<b>\$3,000</b>
<i>250,000 or more but less than 500,000 gallons of process water daily. . . .</i>	<b>\$4,000</b>	<b>\$4,000</b>
<i>500,000 or more but less than 1,000,000 gallons of process water daily. . . .</i>	<b>\$5,000</b>	<b>\$5,000</b>
<i>1,000,000 or more but less than 2,000,000 gallons of process water daily...</i>	<b>\$6,000</b>	<b>\$6,000</b>
<i>2,000,000 or more but less than 5,000,000 gallons of process water daily . . . .</i>	<b>\$8,000</b>	<b>\$8,000</b>
<i>5,000,000 or more but less than 10,000,000 gallons of process water daily . . . .</i>	<b>\$10,000</b>	<b>\$10,000</b>
<i>10,000,000 or more but less than 20,000,000 gallons of process water daily...</i>	<b>\$20,000</b>	<b>\$10,000</b>
<i>20,000,000 or more but less than 40,000,000 gallons of process water daily . . . .</i>	<b>\$30,000</b>	<b>\$10,000</b>
<i>40,000,000 or more daily...</i>	<b>\$40,000</b>	<b>\$10,000</b>
 <b><i>DRINKING WATER TREATMENT PLANTS</i></b>	 <b><u>ANNUAL FEE</u></b>	 <b><u>APPLICATION FEE</u></b>
<i>Intermittent discharges less than 100,000 gallons daily....</i>	<b>\$500</b>	<b>\$500</b>
<i>Intermittent discharges greater than 100,000 but less than 1,000,000 gallons daily....</i>	<b>\$750</b>	<b>\$750</b>
<i>Intermittent discharges greater than 1,000,000 gallons daily....</i>	<b>\$1,000</b>	<b>\$1,000</b>

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<b><i>DRINKING WATER TREATMENT PLANTS</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Routine discharge less than 100,000 gallons daily. . . .</i>	<b>\$500</b>	<b>\$500</b>
<i>Routine discharge greater than 100,000 but less than 1,000,000 gallons daily....</i>	<b>\$750</b>	<b>\$750</b>
<i>Routine discharge greater than 1,000,000 gallons daily</i>	<b>\$1,000</b>	<b>\$1,000</b>
 <del>[Water Treatment Plants</del>		
<del><i>Intermittent discharge . . . .</i></del>	<del><b>\$1,000</b></del>	<del><b>\$1,000</b></del>
<del><i>Routine discharge . . . .</i></del>	<del><b>\$1,500</b></del>	<del><b>\$1,500</b></del>
<b><i>CONFINED ANIMAL FEED OPERATIONS (CAFO) FACILITIES WITH A DISCHARGE OF WASTEWATER</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Less than 100,000 gallons daily . . . .</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>100,000 gallons or more but less than 500,000 gallons daily.</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>500,000 or more gallons daily. .</i>	<b>\$2,500</b>	<b>\$2,500</b>
<b><i>CAFO FACILITIES WITHOUT A DISCHARGE OF WASTEWATER (assume 100 ft<sup>2</sup>/animal)</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Area of Holding Facility 0 to 10 acres. . . .</i>	<b>\$1,500</b>	<b>\$1,500</b>
<i>Area of Holding Facility 10 to 20 acres. . . .</i>	<b>\$2,000</b>	<b>\$2,000</b>
<i>Area of Holding Facility 20 acres or more. . . .</i>	<b>\$2,500</b>	<b>\$2,500</b>
<b><i>DISCHARGE FROM FISH HATCHERIES</i></b>	<b><u>ANNUAL FEE</u></b>	<b><u>APPLICATION FEE</u></b>
<i>Less than 500,000 gallons daily. . . .</i>	<b>\$750</b>	<b>\$750</b>
<i>500,000 to 2,500,000 gallons daily. . . .</i>	<b>\$1,000</b>	<b>\$1,000</b>

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2,500,000 gallons or more daily.	\$1,500	\$1,500
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<b><i>OTHER PERMITTED DISCHARGES</i></b>	<b><u>ANNUAL</u></b>	<b><u>APPLICATION</u></b>
	<b><u>FEE</u></b>	<b><u>FEE</u></b>

Less than 50,000 gallons daily.	\$1,000	\$1,000
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50,000 or more but less than 250,000 gallons daily.	\$1,500	\$1,500
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250,000 or more but less than 500,000 gallons daily.	\$3,000	\$3,000
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500,000 or more but less than 1,000,000 gallons daily. .	\$5,000	\$5,000
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1,000,000 or more but less than 10,000,000 gallons daily...	\$10,000	\$10,000
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10,000,000 or more but less than 35,000,000 gallons daily. .	\$20,000	\$10,000
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35,000,000 or more gallons daily. . . .	\$30,000	\$10,000
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***BIOSOLIDS REUSE***

Less than 20,000 cubic yards per year	\$1,500	\$1,500
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Above 20,000 cubic yards per year	\$3,000	\$3,000
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<b><i>SEPTAGE REUSE</i></b>	\$1,000	\$1,000
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<b><i>DISCHARGE FROM RECREATIONAL LAKE FOR WATER QUALITY PURPOSES</i></b>	\$5,000	\$5,000
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<b><i>TEMPORARY PERMIT</i></b>	NA	\$250
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**~~[MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES),] MINING DEWATERING DISCHARGES TO GROUNDWATER [AND OTHER INDUSTRY]~~**

Cooling water only	\$625	\$315	\$1,000
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Less than 50,000 gallons of process water daily	\$625	\$315	\$1,500
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50,000 or more but less than 1,000,000 gallons of process water daily	875	440	2,000
1,000,000 or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
5,000,000 or more gallons of process water daily	1,250	625	3,000

## MINING

Discharging washwater where chemicals are not added for metallurgical recovery	\$500	\$500	\$250
Chemically processing less than 18,250 tons per year or a pilot or testing facility	500	500	250
Chemically processing 18,250 to less than 36,500 tons per year	1,500	1,500	2,500
Chemically processing 36,500 to less than 100,000 tons per year	4,000	4,000	\$4,000
Chemically processing 100,000 to less than 500,000 tons per year	6,000	6,000	8,000
Chemically processing 500,000 to less than 1,000,000 tons per year	10,000	10,000	10,000

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Chemically processing 1,000,000 to less than 2,000,000 tons per year	14,000	14,000	14,000
Chemically processing more than 2,000,000 tons per year	20,000	20,000	20,000
Monitoring of closed facilities	250	250	500

#### STORM WATER RUNOFF

Industrial or commercial facility, including any structure, that is 5 to 10 acres, inclusive, in size	\$300	\$150	\$750
Industrial or commercial facility, including any structure, that is greater than 10 acres and less than 25 acres in size	600	300	750
Industrial or commercial facility, including any structure, that is greater than 25 acres in size	1,000	500	750 and
Municipality whose population is 250,000 or less	\$ 600	\$300	\$ 7 5 0
Municipality whose population is greater than 250,000	1,000	500	1,000

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**MISCELLANEOUS DISCHARGES**

<del>Discharge from fish hatcheries</del>	<del>\$250</del>	<del>\$125</del>	<del>\$300</del>
<del>Other permits for discharge</del>	<del>250</del>	<del>125</del>	<del>500</del>

2. ~~[An applicant for a permit or for the renewal of a permit to use wastewater for irrigation which has been treated by a person other than the applicant must pay a fee in an amount equal to 75 percent of the amount of the fee required by subsection 1 for domestic wastewater.]~~

3. The fee for a permit with a term of less than 5 years must be reduced by the director in accordance with the term of the permit, but in no case may the fee be reduced by an amount equal to more than one-third of the fee stated in subsection 1.

4. If required, the fee for the annual review and services must be submitted to the division on or before July 1 of each year.

5. If a storm water runoff permit is not required, the director may refund the application fee for the permit.

6. *Effective July 1, 2002, and each biennium thereafter, a 5% increase shall be applied to annual fees payable to the Bureau of Water Pollution Control listed above per the following formula.*

$$FAF = AF * (1+i)^n \text{ where:}$$

*FAF equals future annual fee*

*AF equals the annual fee from the above table*

*i equals 5% (.05)*

*n equals 1, July 1, 2002 to June 30, 2004*

*2, July 1, 2004 to June 30, 2006*

*3, July 1, 2006 to June 30, 2008*

*4, July 1, 2008 to June 30, 2010*

*5, on or after July 1, 2010*

*EX: A discharger's annual fee is listed as \$2000 in the table above, the fee due July 1, 2008 is \$2000\*(1.05)<sup>4</sup>=\$2431. Application fees shall remain the same. Fee amounts shall be rounded to the nearest dollar amount.*

7. *The Division may approve an alternate payment plan upon receiving a hardship petition from the Permittee.*

**Section 3.** NAC 445A.263 (Ammended in LCB Petition R020-99, Sec 14) is hereby amended to read as follows:

445A.263 1. Except as otherwise provided in this section, the director may, after notice and opportunity for a public hearing, modify, suspend or revoke any permit in whole or in part during its term for cause including, but not limited to, the causes listed in NAC 445A.261 or for failure or refusal of the holder of the permit to carry out the requirements of NAC 445A.247.

2. The director may, upon the request of the holder of the permit, revise or modify a schedule of compliance in an issued permit if:

(a) He determines good and valid cause, such as an act of God, strike, flood, materials shortage or other event over which the holder has little or no control, exists for such revision; and

(b) Within 30 days following receipt of notice from the director, the regional administrator does not object in writing.

3. The director may, upon request of the holder of a permit, modify or revoke and reissue a permit to identify a new permittee and incorporate such other requirements as necessary if:

(a) The current permittee notifies the department at least 30 days before the proposed date of the transfer; and

(b) The notice provided pursuant to paragraph (a) includes, without limitation, a written agreement between the existing and new permittees containing a specific date for transfer of the permit responsibility, coverage and liability.

4. With the consent of the permittee and without public notice, the director may make minor modifications to a permit to:

(a) Correct typographical errors;

(b) Clarify the language of the permit;

(c) Require more frequent monitoring or reporting by the permittee;

(d) Change an interim compliance date;

(e) Allow for a change in ownership or operational control of a facility if the department determines that no other change in the permit is necessary and a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the department;

(f) Change the construction schedule for a discharger which is a new source if such change does not affect an obligation of the discharger to have all pollution control equipment installed and in operation before discharge; or

(g) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits; or

*(h) Reduce the permitted flow to reflect current conditions.*

5. The director may reissue a permit that has been revoked and may require an updated application from the permittee of the revoked permit.
6. If a permit is to be modified, only the conditions that are subject to modification may be considered or affected by the modification. If a permit is to be revoked and reissued, the entire permit may be considered and is subject to revision.
7. A person aggrieved by the modification, suspension or revocation of a permit may file a notice of appeal with the commission within 10 days after the date of notice of action of the department, except as otherwise provided by law.

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