

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

P2022-10

June 15, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 445A.425.

A PERMANENT REGULATION relating to the Bureau of Water Pollution Control and providing other matters properly relating thereto.

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

NAC 445A.232 Fees. (NRS 445A.425, 445A.430)

1. Except as otherwise provided in subsections 2 and 7, a nonrefundable application fee must accompany each original application for a permit, each application for a modification to a permit, other than a minor modification made pursuant to NAC 445A.263, and each application to renew a permit which is submitted to or required by the Director. The Director shall charge the following fees:

Type of Permit Issued	Applicatio n Fee	Fee for Annual Review and Services
DISCHARGE OF DOMESTIC WASTEWATER		
Less than 50,000 gallons daily.....	\$1,000	[\$1,000] <i>\$1,406</i>
50,000 gallons or more but less than 250,000 gallons daily.....	1,500	[1,500] <i>\$2,109</i>
250,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
500,000 gallons daily.....	2,000	[2,000] \$2,812
500,000 gallons or more but less than 1,000,000 gallons daily.....	3,000	[3,000] \$4,219
1,000,000 gallons or more but less than 2,000,000 gallons daily.....	4,000	[4,000] \$5,626
2,000,000 gallons or more but less than 5,000,000 gallons daily.....	6,000	[6,000] \$8,438
5,000,000 gallons or more but less than 10,000,000 gallons daily.....	10,000	[10,000] \$14,066
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	10,000	[20,000] \$28,132
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	10,000	[30,000] \$42,198
40,000,000 gallons or more daily.....	10,000	[40,000] \$56,263
DISCHARGE OF RECLAIMED WATER OTHER THAN THROUGH A SPREADING BASIN		
Less than 50,000 gallons daily.....	\$750	[\$750] \$1,055
50,000 gallons or more but less than 250,000 gallons daily.....	1,000	[1,000] \$1,406

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
250,000 gallons or more but less than 500,000 gallons daily.....	1,250	[1,250] <i>\$1,758</i>
500,000 gallons or more but less than 1,000,000 gallons daily.....	1,500	[1,500] <i>\$2,109</i>
1,000,000 gallons or more but less than 10,000,000 gallons daily.....	2,000	[2,000] <i>\$2,812</i>
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	2,500	[2,500] <i>\$3,516</i>
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	3,000	[3,000] <i>\$4,219</i>
40,000,000 gallons or more daily.....	3,500	[3,500] <i>\$4,923</i>
DISCHARGE OF RECLAIMED WATER THROUGH A SPREADING BASIN		
Less than 10,000,000 gallons daily.....	\$10,000	[\$10,000] <i>\$14,066</i>
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	10,000	[20,000] <i>\$28,132</i>
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	10,000	[30,000] <i>\$42,198</i>

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
40,000,000 gallons or more daily.....	10,000	[40,000] \$56,263
DISCHARGE FROM REMEDIATION, DEWATERING, OTHER THAN A DISCHARGE TO GROUNDWATER FROM THE DEWATERING OF A MINE, OR FROM A POWER PLANT, A MANUFACTURING OR FOOD PROCESSING FACILITY OR ANY OTHER COMMERCIAL OR INDUSTRIAL FACILITY		
Cooling water only.....	\$2,000	[\$2,000] \$2,812
Less than 50,000 gallons of process water daily.....	2,500	[2,500] \$3,516
50,000 gallons or more but less than 250,000 gallons of process water daily.....	3,000	[3,000] \$4,219
250,000 gallons or more but less than 500,000 gallons of process water daily.....	4,000	[4,000] \$5,626
500,000 gallons or more but less than 1,000,000 gallons of process water daily.....	5,000	[5,000] \$7,032
1,000,000 gallons or more but less than 2,000,000 gallons of process water daily.....	6,000	[6,000] \$8,438
2,000,000 gallons or more but less than 5,000,000 gallons of process water daily.....	8,000	[8,000] \$11,252
5,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
10,000,000 gallons of process water daily.....	10,000	[10,000] <i>\$14,066</i>
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily.....	10,000	[20,000] <i>\$28,132</i>
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily.....	10,000	[30,000] <i>\$42,198</i>
40,000,000 gallons or more of process water daily.....	10,000	[40,000] <i>\$56,263</i>
DISCHARGE FROM A TREATMENT PLANT FOR DRINKING WATER		
Intermittent discharge of less than 100,000 gallons daily.....	\$500	[\$500] <i>\$703</i>
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	[750] <i>\$1,055</i>
Intermittent discharge of 1,000,000 gallons or more daily.....	1,000	[1,000] <i>\$1,406</i>
Routine discharge of less than 100,000 gallons daily.....	500	[500] <i>\$703</i>
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	[750] <i>\$1,055</i>
Routine discharge of 1,000,000 gallons or		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
more daily.....	1,000	[1,000] <i>\$1,406</i>
DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL FEEDING OPERATION		
Less than 100,000 gallons daily.....	\$1,500	[\$1,500] <i>\$2,109</i>
100,000 gallons or more but less than 500,000 gallons daily.....	2,000	[2,000] <i>\$2,812</i>
500,000 gallons or more daily.....	2,500	[2,500] <i>\$3,516</i>
PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION THAT DOES NOT DISCHARGE WASTEWATER		
Area of a holding facility that is less than 10 acres.....	\$1,500	[\$1,500] <i>\$2,109</i>
Area of a holding facility that is 10 acres or more but less than 20 acres.....	2,000	[2,000] <i>\$2,812</i>
Area of a holding facility that is 20 acres or more.....	2,500	[2,500] <i>\$3,516</i>
DISCHARGE FROM A FISH HATCHERY		
Less than 500,000 gallons daily.....	\$750	[\$750] <i>\$1,055</i>
500,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
2,500,000 gallons daily.....	1,000	[1,000] <i>\$1,406</i>
2,500,000 gallons or more daily.....	1,500	[1,500] <i>\$2,109</i>
OTHER PERMITTED DISCHARGES		
Less than 50,000 gallons daily.....	\$1,000	[\$1,000] <i>\$1,406</i>
50,000 gallons or more but less than 250,000 gallons daily.....	1,500	[1,500] <i>\$2,109</i>
250,000 gallons or more but less than 500,000 gallons daily.....	3,000	[3,000] <i>\$4,219</i>
500,000 gallons or more but less than 1,000,000 gallons daily.....	5,000	[5,000] <i>\$7,302</i>
1,000,000 gallons or more but less than 10,000,000 gallons daily.....	10,000	[10,000] <i>\$14,066</i>
10,000,000 gallons or more but less than 35,000,000 gallons daily.....	10,000	[20,000] <i>\$28,132</i>
35,000,000 gallons or more daily.....	10,000	[30,000] <i>\$42,198</i>
REUSE OF SEWAGE SLUDGE		
Less than 20,000 cubic yards per year.....	\$1,500	[\$1,500] <i>\$2,109</i>

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
20,000 cubic yards or more per year.....	3,000	3,000 \$4,219
REUSE OF DOMESTIC SEPTAGE.....	\$1,000	\$1,000 \$1,406
DISCHARGE FROM A RECREATIONAL LAKE.....	\$5,000	\$5,000 \$7,032
TEMPORARY PERMIT.....	250 \$350	Not Applicable
<i>MINOR MODIFICATION PERMIT.....</i>	<i>\$150</i>	<i>Not Applicable</i>

2. Except as otherwise provided in this subsection and subsection 7, a nonrefundable application fee must accompany each original application for a permit and each application to renew a permit for the discharges set forth in this subsection that is submitted to or required by the Director. The Director shall charge the following fees:

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
DISCHARGE TO GROUNDWATER FROM THE DEWATERING OF A MINE			
Cooling water only.....	\$625	\$315	\$1,000
Less than 50,000 gallons of dewatering water daily.....	625	315	1,500

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
50,000 gallons or more but less than 1,000,000 gallons of dewatering water daily.....	875	440	2,000
1,000,000 gallons or more but less than 5,000,000 gallons of dewatering water daily.....	1,000	500	2,500
5,000,000 gallons or more of dewatering water daily.....	1,250	625	3,000
MINING			
Physical separation facility discharging wash water where no chemicals are added for metallurgical recovery.....	\$500	\$500	\$250
Mining facility designed to chemically process less than 18,250 tons per year or a pilot testing facility.....	500	500	250
Mining facility designed to chemically process 18,250 tons per year or more but less than 36,500 tons per year.....	1,500	1,500	2,000
Mining facility designed to chemically process 36,500 tons per year or more but less than 100,000 tons per year.....	4,000	4,000	4,000
Mining facility designed to chemically process 100,000 tons per year or more but less than			

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
500,000 tons per year.....	6,000	6,000	8,000
Mining facility designed to chemically process 500,000 tons per year or more but less than 1,000,000 tons per year.....	10,000	10,000	10,000
Mining facility designed to chemically process 1,000,000 tons per year or more but less than 2,000,000 tons per year.....	14,000	14,000	14,000
Mining facility designed to chemically process 2,000,000 tons per year or more.....	20,000	20,000	20,000
Monitoring of closed facilities.....	250	250	500
RUNOFF OF STORM WATER			
Industrial or commercial facility, including any structure, that is 5 acres to 10 acres, inclusive, in size	\$300	\$150	\$750
Industrial or commercial facility, including any structure, that is more than 10 acres but less than 25 acres in size.....	600	300	750
Industrial or commercial facility, including any structure, that is more than 25 acres in size.....	1,000	500	750
Municipality whose population is 250,000 or less	600 \$1,200	300 \$1,200	750 \$1,200

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Municipality whose population is more than 250,000.....	1,000 \$2,000	500 \$2,000	1,000 \$2,000

GENERAL PERMITS

	<i>Application Fee for Original Permit</i>	<i>Fee for Annual Review and Services</i>
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Construction Stormwater Permits

<i>1-10 acres</i>	<i>\$300</i>	<i>\$200</i>
<i>10-50 acres</i>	<i>\$400</i>	<i>\$200</i>
<i>50-100 acres</i>	<i>\$750</i>	<i>\$400</i>
<i>100-500 acres</i>	<i>\$1,000</i>	<i>\$400</i>
<i>>500 acres</i>	<i>\$1,250</i>	<i>\$400</i>
<i>Industrial-Multi-sector General Permit</i>	<i>\$1,500</i>	<i>\$1,000</i>
<i>Mining Stormwater Permit</i>	<i>\$1,500</i>	<i>\$1,000</i>
<i>Notice of Termination Reinspection Fee</i>	<i>\$200</i>	<i>Not Applicable</i>
<i>No Exposure Certificate</i>	<i>\$250</i>	<i>Not Applicable</i>
<i>Other General Permits</i>	<i>\$300</i>	<i>\$300</i>

3. To determine the number of acres of a holding facility for an application fee or a fee for the annual review and services for a permit issued to a concentrated animal feeding operation that does not discharge wastewater, the Director shall multiply the number of animals in the concentrated animal feeding operation by .0023.

4. An application fee or a fee for the annual review and services charged pursuant to subsection 1 must be based upon the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The application 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 set forth in this section.

6. If required, the fee for the annual review and services must be:

(a) Submitted to the Division on or before July 1 of each year; and

(b) Paid in advance for the period of review that relates to the fiscal year following payment.

~~7. [If a storm water runoff permit is not required, the Director may refund the application fee for the permit.]~~

~~8. [On July 1, 2002, and on July 1 of each even-numbered year thereafter, up to and including July 1, 2010, the Director shall increase by 5 percent each fee for the annual review and services set forth in subsection 1. To determine the amount of each fee that is due on or after July 1, 2002, the Director shall multiply the fee set forth in subsection 1 by:~~

~~—(a) For the fees due on July 1, 2002, and July 1, 2003, 1.05;~~

~~—(b) For the fees due on July 1, 2004, and July 1, 2005, 1.1025;~~

~~—(c) For the fees due on July 1, 2006, and July 1, 2007, 1.1576;~~

~~—(d) For the fees due on July 1, 2008, and July 1, 2009, 1.2155; and~~

~~—(e) For the fees due on or after July 1, 2010, 1.2763.~~

~~→ In establishing the annual fee for the review and services pursuant to this subsection, the Director shall round to the nearest dollar.]~~

9. The Director may allow a holder of a permit to pay any fee required by subsection 1 pursuant to a payment plan if the holder of the permit submits a petition to the Division, on a form prescribed by the Division, which demonstrates that the payment of the fee in a lump sum would cause financial hardship to the holder of the permit.

10. As used in this section:

(a) “Concentrated animal feeding operation” has the meaning ascribed to it in 40 C.F.R. § 122.23.

(b) “Domestic septage” has the meaning ascribed to it in 40 C.F. R. § 503.9.

(c) “Sewage sludge” has the meaning ascribed to it in 40 C.F.R. § 503.9.

11. For the fiscal year beginning on July 1, 2024 and for the fiscal year beginning on July 1, 2025, the Director shall increase each fee required by subsections 1 by an amount that is equal to 10.33 percent of the fee for the immediately preceding fiscal year. For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each fee required by subsections 1 by an amount that is equal to 3 percent of the fee for the immediately preceding fiscal year.

↪ *The Director may, during any fiscal year, suspend an increase in a rate or fee specified in this subsection. The current fee schedule will be posted on the Division's website.*

[Environmental Comm'n, Water Pollution Control Reg. §§ 2.2.5-2.2.5.2, eff. 5-2-78]—(NAC A 12-3-84; 7-22-87; 9-1-89; 9-19-90; 9-25-90; 9-13-91; 3-27-92; 10-29-97, eff. 7-1-2001; R206-99, 1-26-2000, eff. 7-1-2001; R063-04, 10-6-2004; R138-06, 9-18-2006; R101-16, 12-21-2016)

Section 2. NAC 445A.268 is hereby amended to read as follows:

NAC 445A.268 Application for permit; request to be included in permit; fees. ([NRS 445A.425](#), [445A.430](#), [445A.465](#), [445A.480](#))

1. A general permit may be issued upon proper application by a group of dischargers whose facilities meet the requirements of [NAC 445A.266](#). The application must include:

- (a) The name and address of the discharger;
- (b) The exact location of the discharge;
- (c) The nature of the discharge;
- (d) The name and location of the receiving waters;
- (e) The quantity and quality of the discharge; and
- (f) Any other information deemed necessary by the Director for the determination of whether the discharger should be included in the general permit.

2. A general permit may be issued without application if the Director deems it appropriate.

3. If a general permit has been issued, a discharger who is eligible to be covered under the permit may submit a request to the Director to be included in the general permit. Such a request must include the information required by subsection 1, be accompanied by a nonrefundable fee:

(a) Of \$700, if the discharger is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of [NAC 445A.228](#); or

(b) ~~Of \$200,~~ *In accordance with NAC 445A.232, NAC 445A.872 and NAC 445A.963* if the discharger is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of [NAC 445A.228](#),

↪ and be signed in the manner prescribed by [NAC 445A.231](#) for application and reporting forms. If such a request is denied because the Director has determined that the discharger must be covered under an individual permit, the Director must inform the holder pursuant to the provisions of [NAC 445A.269](#).

4. A discharger will not be covered under a general permit until the discharger has been notified by the Director.

5. A discharger who is covered under a general permit and:

(a) Is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of [NAC 445A.228](#) shall pay to the Director a nonrefundable fee of \$700 not later than July 1 of each year that the discharger is covered under that permit.

(b) Is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of [NAC 445A.228](#) shall pay to the Director a nonrefundable fee of \$200 not later than July 1 of each year that the discharger is covered under that permit.

(Added to NAC by Environmental Comm'n, eff. 3-18-92; A 10-29-93; R079-04, 10-13-2004)

Section 3. NAC 445A.872 is hereby amended to read as follows:

NAC 445A.872 Fees. ([NRS 445A.425](#), [445A.430](#), [445A.465](#))

1. A nonrefundable fee must accompany each application for a permit for an injection well. The applicable fee is:

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
Class II, oil and gas.....	\$5,000 plus \$625 for each well	\$2,500 plus \$200 for each well
Class V, geothermal injection wells associated with the production of energy		
Producing 25 megawatts or more.....	\$6,250 plus \$625 for each well	\$3,750 plus \$200 for each well
Producing 10 megawatts or more but less than 25 megawatts.....	\$5,000 plus \$625 for each well	\$1,875 plus \$200 for each well
Producing less than 10 megawatts.....	\$3,750 plus \$625 for each well	\$1,250 plus \$200 for each well
Class V, geothermal injection associated with space heating		
Discharging less than 250,000 gallons daily.....	\$875	\$325
Discharging 250,000 gallons or more daily.....	\$1,875	\$625
Class V, injection wells associated with remediation, treatment of waste or experimental technology.....	\$3,000	\$1,500

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
Class V, injection wells associated with mining pit dewatering.....	\$5,000 plus \$625 for each well	\$2,500 plus \$200 for each well
Class V, injection wells associated with aquifer storage and recovery or aquifer recharge and not associated with reclaimed water projects.....	\$2,000 plus \$60 for each well	\$600 plus \$40 for each well
Class V, injection wells associated with reclaimed water projects injecting less than 10,000,000 gallons daily.....	\$10,000 plus \$625 for each well after 10 wells	\$10,000 plus \$200 for each well after 10 wells
Class V, injection wells associated with reclaimed water projects injecting 10,000,000 gallons or more but less than 20,000,000 gallons daily.....	\$10,000 plus \$625 for each well after 20 wells	\$20,000 plus \$200 for each well after 20 wells
Class V, injection wells associated with reclaimed water projects injecting 20,000,000 gallons or more but less than 40,000,000 gallons daily.....	\$10,000 plus \$625 for each well after 30 wells	\$30,000 plus \$200 for each well after 30 wells
Class V, injection wells associated with reclaimed water projects injecting 40,000,000 gallons or more daily.....	\$10,000 plus \$625 for each well after 40 wells	\$40,000 plus \$200 for each well after 40 wells
Class V, all others.....	\$625 plus \$125 for each well	\$200 plus \$50 for each well
General Permit, remediation lasting more than 6 months.....	\$1,500	\$900
General Permit, remediation lasting 6 months or less.....	\$300	

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
[General Permit, septic system with a capacity of 5,000 or more gallons.....]	————— \$400	- ————— \$300]
General Permit, all others with a report requirement.....	\$400	\$300
General Permit, all others without a report requirement.....	\$200	\$150
General Permit, filing fee for review of the plan.....	\$200	

2. A Class III well will be charged a fee for a permit for the actual cost of the review of the application calculated at a rate of \$50 per hour for the time spent for the review. The fee for renewal of a permit for a Class III well is \$750.

3. A fee for the renewal of a permit or for major modifications, if applicable, must be paid in addition to the fee for annual services.

4. The fee for annual services must be:

(a) Submitted to the Division on or before July 1; and

(b) Paid in advance for each subsequent year during the life of the permit.

5. For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each fee required by subsections 1 by an amount that is equal to 3 percent of the fee for the immediately preceding fiscal year.

→ The Director may, during any fiscal year, suspend an increase in a rate or fee specified in this subsection. The current fee schedule will be posted on the Division’s website.

(Added to NAC by Environmental Comm’n, eff. 7-22-87; A 9-19-90; R042-01, 10-25-2001; R103-04, 2-11-2005; R101-16, 12-21-2016)

Section 2. NAC 445A.963 is hereby amended to read as follows:

NAC 445A.963 Fees. ([NRS 445A.425](#), [445A.430](#))

1. For an on-site sewage disposal system that is under the jurisdiction of the Division, the owner must pay the following fees:

One-time application fee for a general permit to construct or make major modifications to an on-site sewage disposal system with a capacity of 5,000 gallons or more, including plan review.....	\$600
Annual fee for renewal of a general permit for an on-site sewage disposal system with a capacity of 5,000 gallons or more.....	\$300
One-time application fee for a general permit to construct or make major modifications to an on-site sewage disposal system with a capacity of less than 5,000 gallons, including plan review.....	2 400
Annual fee for renewal of a general permit for an on-site sewage disposal system with a capacity of less than 5,000 gallons.....	o-Fee \$150
To add an existing on-site sewage disposal system with a capacity of less than 5,000 gallons to a general permit.....	o-Fee \$150
One-time application fee for an individual permit to construct or make major modifications to an on-site sewage disposal system, including plan review...	\$1,000
Annual fee for renewal of an individual permit for an on-site sewage disposal system.....	\$1,000
To extend an individual or general permit to construct an on-site sewage disposal system for a 1-year period after the expiration of the permit.....	\$200

2. Owners of an on-site sewage disposal system subject to an annual fee must pay the annual fee on or before the date specified in the permit.

3. Fees for a permit to construct an on-site sewage disposal system must be paid when the design engineer submits the certificate of completion to the Division.

4. Fees to extend a permit to construct an on-site sewage disposal system must be paid at the time the request for an extension is submitted to the Division.

5. For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each fee required by subsections 1 by an amount that is equal to 3 percent of the fee for the immediately preceding fiscal year.

↪ The Director may, during any fiscal year, suspend an increase in a rate or fee specified in this subsection. The current fee schedule will be posted on the Division’s website.

(Added to NAC by Environmental Comm’n by R194-07, eff. 8-26-2008)