



Fact Sheet

Bureau of Mining Regulation and Reclamation Fee Revision for Operating Permit Application and Maintenance Fees Water Pollution Control Permits

Introduction

The NDEP Bureau of Mining Regulation and Reclamation is proposing a regulatory change to amend its fee schedule for the Water Pollution Control Permitting Program (WPCPP).

The change seeks to update the Program's fees across the regulated industry to align the revenue generated with the increase costs for implementation of the Program and to reflect the workload and resources required to implement NDEP BMRR's Regulation and Closure Branch Programs, while allowing BMRR to provide timely reviews and quality service in the future.

With the fee increases BMRR is planning for three additional positions: an Inspector/Compliance Supervisor and an Inspector/Compliance staff for the WPCP and a hydrologist.

This fact sheet describes changes in fee schedule for facilities that hold any type of Water Pollution Control Permit managed by BMRR.

The State Environmental Commission and Legislative Commission approved the new schedule. The first year of fee increase for application and maintenance fees would be effective on January 1, 2025 and July 1, 2025, respectively. The second year in fee increased for maintenance and application fees would be effective on July 1, 2026.

Overview of Changes

For **Mining Permits** (i.e., 'zero discharge' Water Pollution Control Permits) and **Discharge Permits** (i.e., Rapid Infiltration Basins, or other discharges that are to waters of the State) the BMRR Program is proposing to:

- A two-year increase for all maintenance and application fees to reflect the costs associated with the maintenance of the operating permit
- Increase the number of fee categories to more closely reflect the costs associated with the maintenance of the operating permit.
- Modify the fee categories to be based on tonnage processed or gallons infiltrated.

For **Fees for Modification of the Permits**, the BMRR is proposing to:

- Increase Engineering Design Changes to \$1,000 (from \$500).
- Increase Minor Modifications cap to \$10,000 (from \$5,000).
- No changes to Major Modifications (still equal to the Renewal Fee).
- Increase Pre-Application Reviews to $\frac{1}{4}$ the Renewal Fee for the proposed processing rate to a maximum of \$5,000 (from \$1,500).
- Increase Monitoring of a mining facility that has completed all physical closure activities and is undergoing source stabilization (Stabilization Pending) to $\frac{1}{2}$ the renewal fee (from a maximum \$2,500 renewal and \$5,000 annual fee).
- Post-closure monitoring to $\frac{1}{4}$ the Renewal Fee. If the facility was in post-closure monitoring prior to December 31, 2025 then the fee will remain at \$500 for the annual review and service fee and \$250 for the renewal fee.

There are **no** proposed changes to General Permits.

Proposed Fee Schedule for Chemical Processing and Non-Gold Physical Separation Facilities

CURRENT FEE CATAGORIES	Current Initial/Renewal	Current Annual	PROPOSED FEE CATAGORIES	January 2025 Initial/Renewal	January 2025 Annual	July 2026 Initial/Renewal	July 2026 Annual
Physical Separation	500	250	REMOVE	N/A	N/A	N/A	N/A
Chemical < 18,250 t/y	500	250	Tonnage Processed < 18,250 t/y	650	350	825	415
Chemical 18,250 to < 36,500 t/y	1,500	2,000	Tonnage Processed 18,250 to < 36,500 t/y	2,000	2,600	2,475	3,300
Chemical 36,500 to < 100,000 t/y	4,000	4,000	Tonnage Processed 36,500 to < 100,000 t/y	5,300	5,300	6,600	6,600
Chemical 100,000 to < 500,000 t/y	6,000	8,000	Tonnage Processed 100,000 to < 500,000 t/y	8,000	10,500	9,900	13,200
Chemical 500,000 to < 1,000,000 t/y	10,000	10,000	Tonnage Processed 500,000 to < 1,000,000 t/y	13,250	13,250	16,500	16,500
Chemical 1,000,000 to < 2,000,000 t/y	14,000	14,000	Tonnage Processed 1,000,000 to < 2,000,000 t/y	19,000	19,000	23,100	23,100
Chemical >= 2,000,000 t/y	20,000	20,000	Tonnage Processed 2,000,000 to <5,000,000 t/y	27,000	27,000	33,000	33,000
			Tonnage Processed 5,000,000 to <10,000,000 t/y	29,000	29,000	38,000	38,000
			Tonnage Processed 10,000,000 to <20,000,000 t/y	31,000	31,000	42,000	42,000
			Tonnage Processed 20,000,000 to <40,000,000 t/y	33,000	33,000	46,000	46,000
			Tonnage Processed >=40,000,000 t/y	35,000	35,000	50,000	50,000

Proposed Fee Schedule for Gold Physical Separation Project

CURRENT FEE CATAGORIES	Current Initial/Renewal	Current Annual	PROPOSED FEE CATAGORIES	January 2025 Initial/Renewal	January 2025 Annual	July 2026 Initial/Renewal	July 2026 Annual
Physical Separation	500	250	REMOVE	N/A	N/A	N/A	N/A
			Tonnage Processed < 18,250 t/y	650	250	825	415
			Tonnage Processed 18,250 to < 36,500 t/y	650	300	1,200	600
			Tonnage Processed 36,500 to < 100,000 t/y	650	300	2,000	1,000

Proposed Fee Schedule for Discharge Permit

CURRENT FEE CATAGORIES	Current Initial/ Renewal	Current Annual	PROPOSED FEE CATAGORIES	January 2025 Initial/ Renewal	January 2025 Annual	July 2026 Initial/ Renewal	July 2026 Annual
Groundwater Discharge/Dewatering Cooling Water Only	315	1,000	REMOVE	N/A	N/A	N/A	N/A
Groundwater Discharge/Dewatering < 50,000 g/d	315	1,500	Groundwater Discharge/Dewatering < 50,000 g/d	2,500	2,500	5,000	5,000
Groundwater Discharge/Dewatering 50,000 to < 1,000,000 g/d	875	2,000	Groundwater Discharge/Dewatering 50,000 to < 1,000,000 g/d	3,750	3,750	7,500	7,500
Groundwater Discharge/Dewatering 1,000,000 to < 5,000,000 g/d	500	2,500	Groundwater Discharge/Dewatering 1,000,000 to < 5,000,000 g/d	5,000	5,000	10,000	10,000
Groundwater Discharge/Dewatering >= 5,000,000 g/d	625	3,000	Groundwater Discharge/Dewatering 5,000,000 to < 10,000,000 g/d	7,500	7,500	15,000	15,000
			Groundwater Discharge/Dewatering >= 10,000,000 g/d	10,000	10,000	20,000	20,000