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**State Environmental Commission**

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**R112-22:** This permanent regulation revises NAC 445A. The State Environmental Commission adopted permanent regulation R112-22P, which addresses fees for Water Pollution Control permitting program. This regulation establishes fees for general permits, revises existing fees for certain other permits, and authorizes the director of the State Department of Conservation and Natural Resources to post information about fees to the Nevada Division of Environmental Protection website.

**Authority citation other than 233B:**

§§ 1 and 3, NRS 445A.425, 445A.430, 445A.465 and 445A.480; §§ 2 and 5, NRS 445A.425 and 445A.430; § 4, NRS 445A.425, 445A.430 and 445A.465.

**Notice date:** November 9, 2022

**Hearing date:** December 14, 2022



**APPROVED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R112-22**

Filed December 29, 2022

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

AUTHORITY: §§ 1 and 3, NRS 445A.425, 445A.430, 445A.465 and 445A.480; §§ 2 and 5, NRS 445A.425 and 445A.430; § 4, NRS 445A.425, 445A.430 and 445A.465.

A REGULATION relating to water pollution; establishing fees related to general permits; revising existing fees for certain permits; providing for annual increases of certain fees; authorizing the Director of the State Department of Conservation and Natural Resources to suspend such fee increases; requiring the Director to post to the Internet website of the Division of Environmental Protection of the Department certain information related to such fees; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that, except as authorized by a permit issued by the State Department of Conservation and Natural Resources, it is unlawful for any person to: (1) discharge from any point source any pollutant into any waters of the State or any treatment works; (2) inject fluids through a well into any waters of the State; or (3) discharge from a point source a pollutant or inject fluids through a well that could be carried into the waters of the State by any means. (NRS 445A.465) Existing law further authorizes the State Environmental Commission to prescribe reasonable fees for: (1) applications for permits; (2) administering the program for reviewing applications and granting permits; and (3) the review of plans and specifications by the Director of the Department and for services provided by the Division of Environmental Protection of the Department. (NRS 445A.430)

Existing regulations establish various fees related to: (1) certain types of discharge permits; (2) permits for injection wells; and (3) permits for on-site sewage disposal systems. (NAC 445A.232, 445A.872, 445A.963) **Sections 2, 4 and 5** of this regulation: (1) increase certain fees; (2) provide for automatic fee increases in future fiscal years; (3) authorize the Director to suspend any automatic increase; and (4) require the Director to post on the Internet website of the Division the fees that are applicable to each fiscal year.

**Section 1** of this regulation: (1) sets forth fees related to certain types of general permits; (2) provides for automatic fee increases in future fiscal years; (3) authorizes the Director to

suspend any automatic increase; and (4) requires the Director to post on the Internet website of the Division the fees that are applicable to each fiscal year.

Existing regulations set forth application requirements for general permits. (NAC 445A.268) **Section 3** of this regulation requires that such an application must be accompanied by the applicable nonrefundable application fee.

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A nonrefundable application fee must accompany each original application for a general permit which is submitted to or required by the Director. The Director shall charge the following fees:*

<i>Type of General Permit Issued</i>	<i>Application Fee</i>	<i>Fee for Annual Review and Services</i>
<i>Construction storm water general permits</i>		
<i>Less than 10 acres .....</i>	<i>\$300</i>	<i>\$200</i>
<i>10 acres or more but less than 50 acres.....</i>	<i>400</i>	<i>200</i>
<i>50 acres or more but less than 100 acres.....</i>	<i>750</i>	<i>400</i>
<i>100 acres or more but less than 500 acres.....</i>	<i>1,000</i>	<i>400</i>
<i>500 acres or more .....</i>	<i>1,250</i>	<i>400</i>

<i>Type of General Permit Issued</i>	<i>Application Fee</i>	<i>Fee for Annual Review and Services</i>
<i>Industrial multi-sector general permit .....</i>	<i>\$1,500</i>	<i>\$1,000</i>
<i>Mining storm water general permit.....</i>	<i>\$1,500</i>	<i>\$1,000</i>
<i>Other general permits .....</i>	<i>\$300</i>	<i>\$300</i>

**2. The Director shall charge the following fees:**

**(a) For reinspecting a site that has submitted a notice of termination, \$200 per reinspection.**

**(b) For inspecting a site that is seeking a no exposure certificate, \$250.**

**3. If required, the fee for the annual review and services set forth in subsection 1 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.**

*4. For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each application fee set forth in subsection 1, each fee for annual review and services set forth in subsection 1 and each fee set forth in subsection 2 by 3 percent of the fee amount for the immediately preceding fiscal year. In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.*

*5. The Director may, during any fiscal year, suspend an increase in a fee.*

*6. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.*

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

445A.232 1. Except as otherwise provided in ~~{subsections}~~ **subsection 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	Application	Fee for Annual Review and Services
Issued	Fee	

DISCHARGE OF DOMESTIC

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
<b>WASTEWATER</b>		
Less than 50,000 gallons daily .....	\$1,000	<del>1,000</del> <b>1,406</b>
50,000 gallons or more but less than 250,000 gallons daily .....	1,500	<del>1,500</del> <b>2,109</b>
250,000 gallons or more but less than 500,000 gallons daily .....	2,000	<del>2,000</del> <b>2,812</b>
500,000 gallons or more but less than 1,000,000 gallons daily .....	3,000	<del>3,000</del> <b>4,219</b>
1,000,000 gallons or more but less than 2,000,000 gallons daily .....	4,000	<del>4,000</del> <b>5,626</b>

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
2,000,000 gallons or more but less than 5,000,000 gallons daily .....	6,000	<del>{6,000}</del> 8,438
5,000,000 gallons or more but less than 10,000,000 gallons daily .....	10,000	<del>{10,000}</del> 14,066
10,000,000 gallons or more but less than 20,000,000 gallons daily .....	10,000	<del>{20,000}</del> 28,132
20,000,000 gallons or more but less than 40,000,000 gallons daily .....	10,000	<del>{30,000}</del> 42,198
40,000,000 gallons or more daily .....	10,000	<del>{40,000}</del> 56,263

DISCHARGE OF RECLAIMED WATER

OTHER THAN THROUGH A SPREADING BASIN



Type of Permit	Application	Fee for Annual Review and
Issued	Fee	Services
Less than 50,000 gallons daily .....	\$750	<del>(\$750)</del> <b>\$1,055</b>
50,000 gallons or more but less than		
250,000 gallons daily .....	1,000	<del>(1,000)</del> <b>1,406</b>
250,000 gallons or more but less than		
500,000 gallons daily .....	1,250	<del>(1,250)</del> <b>1,758</b>
500,000 gallons or more but less than		
1,000,000 gallons daily .....	1,500	<del>(1,500)</del> <b>2,109</b>
1,000,000 gallons or more but less than		
10,000,000 gallons daily .....	2,000	<del>(2,000)</del> <b>2,812</b>
10,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
20,000,000 gallons daily .....	2,500	<del>{2,500}</del> 3,516
20,000,000 gallons or more but less than 40,000,000 gallons daily .....	3,000	<del>{3,000}</del> 4,219
40,000,000 gallons or more daily .....	3,500	<del>{3,500}</del> 4,923

DISCHARGE OF RECLAIMED WATER  
THROUGH A SPREADING BASIN

Less than 10,000,000 gallons daily .....	\$10,000	<del>{10,000}</del> \$14,066
10,000,000 gallons or more but less than 20,000,000 gallons daily .....	10,000	<del>{20,000}</del> 28,132
20,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
40,000,000 gallons daily .....	10,000	<del>{30,000}</del> 42,198
40,000,000 gallons or more daily .....	10,000	<del>{40,000}</del> 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	<del>{2,000}</del> \$2,812
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Less than 50,000 gallons of process

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
water daily.....	2,500	<del>{2,500}</del> 3,516
50,000 gallons or more but less than 250,000 gallons of process water daily.....	3,000	<del>{3,000}</del> 4,219
250,000 gallons or more but less than 500,000 gallons of process water daily.....	4,000	<del>{4,000}</del> 5,626
500,000 gallons or more but less than 1,000,000 gallons of process water daily.....	5,000	<del>{5,000}</del> 7,032
1,000,000 gallons or more but less than 2,000,000 gallons of process water daily.....	6,000	<del>{6,000}</del> 8,438
2,000,000 gallons or more but less than 5,000,000 gallons of process water daily.....	8,000	<del>{8,000}</del> 11,252

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
5,000,000 gallons or more but less than 10,000,000 gallons of process water daily .....	10,000	<del>{10,000}</del> 14,066
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily .....	10,000	<del>{20,000}</del> 28,132
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily .....	10,000	<del>{30,000}</del> 42,198
40,000,000 gallons or more of process water daily .....	10,000	<del>{40,000}</del> 56,263

DISCHARGE FROM A TREATMENT PLANT FOR DRINKING WATER

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
Intermittent discharge of less than 100,000 gallons daily .....	\$500	<del>500</del> 703
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily .....	750	<del>750</del> 1,055
Intermittent discharge of 1,000,000 gallons or more daily .....	1,000	<del>1,000</del> 1,406
Routine discharge of less than 100,000 gallons daily .....	500	<del>500</del> 703
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily .....	750	<del>750</del> 1,055
Routine discharge of 1,000,000 gallons or		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
more daily .....	1,000	<del>1,000</del> 1,406

DISCHARGE OF WASTEWATER  
FROM A CONCENTRATED ANIMAL  
FEEDING OPERATION

Less than 100,000 gallons daily .....	\$1,500	<del>1,500</del> \$2,109
100,000 gallons or more but less than 500,000 gallons daily .....	2,000	<del>2,000</del> 2,812
500,000 gallons or more daily .....	2,500	<del>2,500</del> 3,516

PERMIT FOR A CONCENTRATED  
ANIMAL FEEDING OPERATION  
THAT DOES NOT DISCHARGE

Type of Permit	Application	Fee for Annual Review and Services
Issued	Fee	
<b>WASTEWATER</b>		
Area of a holding facility that is less than 10 acres .....	\$1,500	<del>[\$1,500]</del> <b>\$2,109</b>
Area of a holding facility that is 10 acres or more		
but less than 20 acres .....	2,000	<del>[\$2,000]</del> <b>2,812</b>
Area of a holding facility that is 20 acres		
or more .....	2,500	<del>[\$2,500]</del> <b>3,516</b>
<b>DISCHARGE FROM A FISH</b>		
<b>HATCHERY</b>		
Less than 500,000 gallons daily .....	\$750	<del>[\$750]</del> <b>\$1,055</b>
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	<del>{1,000}</del> <b>1,406</b>
2,500,000 gallons or more daily .....	1,500	<del>{1,500}</del> <b>2,109</b>

**OTHER PERMITTED DISCHARGES**

Less than 50,000 gallons daily .....	\$1,000	<del>{1,000}</del> <b>\$1,406</b>
50,000 gallons or more but less than 250,000 gallons daily .....	1,500	<del>{1,500}</del> <b>2,109</b>
250,000 gallons or more but less than 500,000 gallons daily .....	3,000	<del>{3,000}</del> <b>4,219</b>
500,000 gallons or more but less than 1,000,000 gallons daily .....	5,000	<del>{5,000}</del> <b>7,302</b>

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
1,000,000 gallons or more but less than 10,000,000 gallons daily .....	10,000	<del>{10,000}</del> 14,066
10,000,000 gallons or more but less than 35,000,000 gallons daily .....	10,000	<del>{20,000}</del> 28,132
35,000,000 gallons or more daily .....	10,000	<del>{30,000}</del> 42,198
<b>REUSE OF SEWAGE SLUDGE</b>		
Less than 20,000 cubic yards per year .....	\$1,500	<del>{1,500}</del> \$2,109
20,000 cubic yards or more per year .....	3,000	<del>{3,000}</del> 4,219

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
REUSE OF DOMESTIC SEPTAGE.....	\$1,000	<del>[\$1,000]</del> \$1,406
DISCHARGE FROM A RECREATIONAL LAKE .....	\$5,000	<del>[\$5,000]</del> \$7,032
TEMPORARY PERMIT .....	<del>[\$250]</del> \$350	Not Applicable

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	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			

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
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

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
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
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Mining facility designed to chemically process less than 18,250 tons per year.....	500	500	250
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Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
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	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
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			

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
2,000,000 tons per year or more .....	20,000	20,000	20,000
Monitoring of mining facility that has completed all physical closure activities and is undergoing source stabilization .....	2,500 or the application fee for the type and processing rate of the mining facility permitted, whichever is less	2,500 or the application fee for the type and processing rate of the mining facility permitted, whichever is less	5,000 or the annual fee for the type and processing rate of the mining facility permitted, whichever is less



Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
Post-closure monitoring of mining facility .....	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
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Industrial or commercial facility, including any structure, that is more than 10 acres but less than 25 acres in size .....	600	300	750
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Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
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 .....	<del>600</del> 1,200	<del>300</del> 1,200	<del>750</del> 1,200
Municipality whose population is more than 250,000 .....	<del>1,000</del> 2,000	<del>500</del> 2,000	<del>1,000</del> 2,000

3. *A nonrefundable application fee of \$150 must accompany each application for a minor modification made pursuant to NAC 445A.263.*

4. 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.}~~ 5. 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.}~~ 6. 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.}~~ 7. 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}~~ *For the fiscal year beginning on July 1, ~~{2002,}~~ 2024, and for the fiscal year beginning on July 1 ~~{of each even-numbered year thereafter, up to and including July 1, 2010,}~~ , 2025, 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.]~~ *by 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 of the following fees by 3 percent of the fee for the immediately preceding fiscal year:*

- (a) Each application fee set forth in subsections 1 and 3;*
- (b) Each fee for the annual review and services set forth in subsection 1;*
- (c) Each application fee for an original permit that applies to a discharge of runoff of storm water set forth in subsection 2;*
- (d) Each application fee for the renewal of a permit that applies to a discharge of runoff of storm water set forth in subsection 2;*
- (e) Each fee for the annual review and services that applies to a discharge of runoff of storm water set forth in subsection 2; and*
- (f) Each fee for a minor modification set forth in subsection 3.*

~~↪ In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.~~

- 9. The Director may, during any fiscal year, suspend an increase in a fee.*
- 10. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.*
- 11. 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.}~~ **12.** 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.

**Sec. 3.** NAC 445A.268 is hereby amended to read as follows:

445A.268 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) Include:*

~~{a)}~~ (1) The name and address of the discharger;

~~{b)}~~ (2) The exact location of the discharge;

~~{c)}~~ (3) The nature of the discharge;

~~{d)}~~ (4) The name and location of the receiving waters;

~~{e)}~~ (5) The quantity and quality of the discharge; and

~~{f)}~~ (6) Any other information deemed necessary by the Director for the determination of

whether the discharger should be included in the general permit ~~{}~~;

*(b) Be accompanied by:*

*(1) If the discharger is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228, a nonrefundable application fee of \$700; or*

***(2) If the discharger is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228, the applicable nonrefundable application fee as set forth in section 1 of this regulation; and***

***(c) Be signed in the manner prescribed by NAC 445A.231 for application and reporting forms.***

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~~ :

***(a) Include*** the information required by subsection 1 ~~be~~ ;

***(b) Be*** accompanied by ~~a nonrefundable fee:~~

~~***(a) Of \$700, if*** :~~

***(1) If*** the discharger is a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228 ~~is~~ , ***a nonrefundable application fee of \$700;*** or

~~***(b) Of \$200, if***~~

***(2) If*** the discharger is not a facility described in subparagraph (1) of paragraph (c) of subsection 2 of NAC 445A.228,

~~***is***~~ ***the applicable nonrefundable application fee as set forth in section 1 of this regulation;***  
and ~~***be***~~

***(c) 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}~~ *the applicable* nonrefundable *annual* fee ~~{of \$200}~~, *as set forth in section 1 of this regulation*, not later than July 1 of each year that the discharger is covered under that permit.

**Sec. 4.** NAC 445A.872 is hereby amended to read as follows:

445A.872 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
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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		



Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
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
Class V, injection wells associated with		
mining pit dewatering .....	\$5,000 plus \$625	\$2,500 plus \$200
	for each well	for each well

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
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

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
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	\$30,000 plus \$200
	for each well after 30 wells	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	\$40,000 plus \$200
	for each well after 40 wells	for each well after 40 wells
Class V, all others .....	\$625 plus \$125	\$200 plus \$50
	for each well	for each well
General Permit, remediation lasting more than 6 months .....	\$1,500	\$900

Type of Injection Well	Application Fee	Fee for Annual Services, Major Modifications or Renewal of Permit
General Permit, remediation lasting 6 months or less .....	\$300	
<del>General Permit, septic system with a capacity of 5,000 or more gallons .....</del>	<del>\$400</del>	<del>—————\$300}</del>
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 nonrefundable application fee of \$150 must accompany each application for a minor modification made pursuant to NAC 445A.902.***

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

~~4.~~ 5. 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.

6. *For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each application fee set forth in subsection 1, each fee for annual services, major modifications or renewal of a permit set forth in subsection 1 and each fee for a minor modification set forth in subsection 2 by 3 percent of the fee amount for the immediately preceding fiscal year. In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.*

7. *The Director may, during any fiscal year, suspend an increase in a fee.*

8. *The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.*

Sec. 5. NAC 445A.963 is hereby amended to read as follows:

445A.963 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.....	<del>[\$200]</del> \$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.....	<del>[No Fee]</del> \$150
To add an existing on-site sewage disposal system with a capacity of less than 5,000 gallons to a general permit .....	<del>[No Fee]</del> \$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
<b><i>One-time application fee for minor modifications to a permit described in this subsection.....</i></b>	<b><i>\$150</i></b>

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 set forth in subsection 1 by 3 percent of the fee amount for the immediately preceding fiscal year. In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.***

***6. The Director may, during any fiscal year, suspend an increase in a fee.***

***7. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.***





# **Permanent Regulation - Informational Statement**

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required  
by Administrative Procedures Act, NRS 233B.066

## **State Environmental Commission Permanent No: R112-22P**

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

### **1. Need for Regulation**

R112-22 proposes increases to fees required to obtain general, temporary, and five-year permits to authorize discharges to the environment (surface or groundwater). The permits are required for all discharges including private individuals as well as private, industry and public entities. The fee increases are necessary to ensure adequate NDEP staff is available for the timely review and approval of permit applications, to ensure adequate technical services are available for our permittees, to ensure timely and necessary compliance and enforcement actions are initiated and to provide the necessarily administrative assistance to the public. A review of the projected revenue and expenditures generated from the existing fee schedules reveals that sufficient revenue is not generated to cover existing staff merit increases in upcoming fiscal years. Staffing levels are currently not sufficient to adequately respond to increasing permit applications, technical review requests and compliance issues throughout the state. These shortfalls in permitting and compliance have been documented in audits conducted by EPA. The program is also working to ensure fiscal sustainability in the event discretionary federal grant fund programs (including those from the Department of Energy) are reduced in future years. These grant programs are not mandated by yearly Congressional appropriations and may be subject to re-programming based on future federal administration priorities and funding limitations.

### **2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.**

The Division held one hybrid (in-person and virtual) public workshop for R112-22P on October 13, 2022. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada and in the NDEP offices in Las Vegas at 375 East Warm Springs Road. NDEP also provided the option to attend the workshop virtually. The workshop was held to present the substance of, and receive public

comment on, the proposed regulation. There were approximately 60 members of the public that attended the workshop, either in-person or virtually.

The Legislative Counsel Bureau published its draft, R112-22P, in the Nevada Register on August 26, 2022. The Division accepted written comments on R112-22P up to October 18, 2022. The Division received one written comment (in the form of an email) concerning R112-22P. That comment is attached as a pdf.

The SEC held a hybrid regulatory hearing on December 14, 2022, to consider possible action on R112-22P. The SEC posted its public notice, which included a link<sup>1</sup> and instructions to access R112-22P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting.

### **3. The number of persons who attended the SEC Regulatory Hearing:**

- (a) Attended December 14, 2022, hearing: 57 (approximately)
- (b) Testified on this Petition at the hearing: 2

1. Elizabeth Kingsland, on behalf of the Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
(775) 687-9357  
[ekingsland@ndep.nv.gov](mailto:ekingsland@ndep.nv.gov)
2. Brandon Beach, on behalf of the Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701  
(775) 687-9421  
[bbeach@ndep.nv.gov](mailto:bbeach@ndep.nv.gov)

- (c) Submitted to the agency written comments: 1 (attached)

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<sup>1</sup> <https://sec.nv.gov/meetings/sec-regulatory-meeting-december-14-2022>

**4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses through one public workshop and at the December 14, 2022 SEC hearing as noted in number 2 above.

**5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Commissioners unanimously adopted R112-22P with NDEP proposed edits. The regulation was adopted with changes because the public and the SEC were satisfied with the proposed amendments.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

Regulated Business/Industry. The regulatory amendments in R112-22P are estimated to have a minimal net economic impact on public water systems.

Public. The regulatory amendments in R112-22P are expected to have no economic impact on the public.

**7. The estimated cost to the agency for enforcement of the adopted regulation.**

Enforcing Agency. The regulatory amendments proposed in R112-22P are not expected to result in any additional costs to the Division.

**8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed amendments in R112-22P do not overlap or duplicate other state or government agencies.

**9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

The regulatory amendments in R112-22P do not regulate the same activity as a federal statute or regulation.

**10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The increase in revenue will be used to increase financial sustainability, ensure the program can keep pace with expenses, hire new staff to review and issue permits, to increase inspections of our permitted facilities, to provide technical assistance for wastewater facility improvements, and to address compliance issues throughout the state. The program is also working to ensure fiscal sustainability in the event discretionary federal grant fund programs (including those from the Department of Energy) are reduced in future years. These grant programs are not mandated by yearly Congressional appropriations and may be subject to re-programming based on future federal administration priorities and funding limitations. The fee increases tied to individual permits are proposed to be implemented over a three year-period to reduce impacts on any small business. Fee increases for small general permits were kept low to also reduce impacts. The agency anticipates collecting an additional \$1,534,522 per year by the end of FY27.

**From:** [Brandon Beach](#)  
**To:** [Elizabeth Kingsland](#); [Jennifer Carr](#)  
**Cc:** [Andrew Dixon](#)  
**Subject:** FW: comments on Proposed Regulation Petition LCB File No. R112-22  
**Date:** Thursday, October 20, 2022 11:20:36 AM

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FYI

Thanks,  
Brandon

**From:** Daniel Fischer <dfischer@cleanwaterteam.com>  
**Sent:** Thursday, October 20, 2022 11:18 AM  
**To:** Brandon Beach <bbeach@ndep.nv.gov>  
**Cc:** Katrina Pascual <kpascual@ndep.nv.gov>; Andrew Dixon <andrew.dixon@ndep.nv.gov>; AJ Rodrigues <arodrigues@cleanwaterteam.com>; Advergus Taylor <ataylor@cleanwaterteam.com>; Willie Smith <wsmith@cleanwaterteam.com>; Devon Morgan <dmorgan@cleanwaterteam.com>  
**Subject:** comments on Proposed Regulation Petition LCB File No. R112-22

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Brandon – This may be late, but I hope you will accept our comments below on Proposed Regulation Petitions LCB File No. R112-22. The proposed regulations include increases to fees required to obtain permits to authorize discharges to the environment (surface or groundwater).

We, the District, understand the need for these fee increases, and we agree the fee increases are necessary to ensure adequate BWPC staffing for timely review and approval of permit applications, to ensure adequate technical services are available for permittees, to ensure timely and necessary compliance and enforcement actions are initiated, and to provide the necessary administrative assistance to the public.

Therefore, we support the fee increases, and Proposed Regulation Petition LCB File No. R112-22.  
Dan

**Daniel C. Fischer** | Deputy General Manager  
Clark County Water Reclamation District  
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