

**LCB File No. T029-98**

**TEMPORARY REGULATION  
OF THE NEVADA STATE ENVIRONMENTAL COMMISSION**

**(Petition 1999-02 amending chapter 445 of NAC)**

**NOTICE OF HEARING  
NOTICE OF INTENT TO ACT UPON REGULATIONS  
NEVADA STATE ENVIRONMENTAL COMMISSION**

The Nevada State Environmental Commission will hold a public hearing beginning at **8:30 a.m. on Wednesday, December 9, 1998, at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Ave., Las Vegas, Nevada.**

The Environmental Commission will hear non regulatory business items on **Tuesday, December 8, 1998, at the above location beginning at 2:00 p.m.** Those items will include air quality ratifications, variance requests and other non regulatory petitions pending before the Commission. The non regulatory items includes a petition by the Clark County Health District regarding MTBE. Business not heard on December 8th will be carried forward to the next day.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of permanent regulations in Nevada Administrative Code (NAC) Chapters (NAC) 445A, 445B, and 459. If no person directly affected by the proposed action appears to request time to make an oral presentation, the State Environmental Commission may proceed immediately to act upon any written submission.

**Petition 1999-02** is a temporary regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from July 1, 1999 to July 1, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to July 1, 1999 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affects mining water pollution control discharge fees. This petition amends a 1997 action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect are proposed to be retained until July 1, 2001. The intermediate fee schedule is proposed to be repealed by this action.

The proposed temporary regulation is anticipated to have significant affirmative short or long term economic impact on Nevada businesses. The mining industry will see a decrease in the fees paid regarding mining water pollution control permits. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

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Petition 1999-02 was submitted to the State Environmental Commission (SEC) on October 26, 1998, for adoption as a temporary regulation. Petition 1999-02 will come before the SEC on December 9, 1998.

The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. This regulation does not add a new fee, nor increase an existing fee. The regulation decreases fees on the mining industry.

**ADOPTED TEMPORARY REGULATION  
OF THE NEVADA STATE ENVIRONMENTAL COMMISSION**

Petition 1999-02

Explanation: Matter in *italics* is new language. Matter in ~~H~~ and ~~striked out~~ is material to be omitted.

AUTHORITY: NRS 445A.425; 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 subsections 2 and 5, a nonrefundable application fee must accompany each original application for a permit 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 Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
<b>DOMESTIC WASTE WATER</b>			
5,000 or more but less than 25,000 gallons daily	\$375	\$125	\$600
25,000 or more but less than 100,000 gallons daily	500	250	850
100,000 or more but less than 1,000,000 gallons daily	750	375	1,000
1,000,000 or more but less than 10,000,000 gallons daily	1,000	500	2,000
10,000,000 or more gallons			

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Petition 1999-02 was submitted to the State Environmental Commission (SEC) on October 26, 1998, for adoption as a temporary regulation. Petition 1999-02 will come before the SEC on December 9, 1998.

daily	1,250	625	2,500
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MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY

Cooling water only	\$625	\$315	\$1,000
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MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY

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
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1,000,000 or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
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5,000,000 or more gallons of process water daily	1,250	625	3,000
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WATER TREATMENT PLANTS

Intermittent discharge	\$250	\$125	\$500
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Routine discharge	375	190	750
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MINING

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

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Petition 1999-02 was submitted to the State Environmental Commission (SEC) on October 26, 1998, for adoption as a temporary regulation. Petition 1999-02 will come before the SEC on December 9, 1998.

than 25 acres in size	1,000	500	750
Municipality whose population is 250,000 or less	600	300	750
Municipality whose population is greater than 250,000	1,000	500	1,000
<b>MISCELLANEOUS DISCHARGES</b>			
Discharge from fish hatcheries	\$250	\$125	\$300
Other permits for discharge	250	125	500

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.

**Section 2:** NAC 445A.232 is hereby repealed:

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

**1. Except as otherwise provided in subsections 2 and 5, a nonrefundable application fee must accompany each original application for a permit 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 Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
<b>DOMESTIC WASTE WATER</b>			
5,000 or more but less than 25,000 gallons daily	\$375	\$125	\$600
25,000 or more but less than 100,000 gallons daily	500	250	850
100,000 or more but less than 1,000,000 gallons daily	750	375	1,000
1,000,000 or more but less than 10,000,000 gallons daily	1,000	500	2,000
10,000,000 or more gallons daily	1,250	625	2,500
<b>MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY</b>			
Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily	625	315	1,500
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

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Petition 1999-02 was submitted to the State Environmental Commission (SEC) on October 26, 1998, for adoption as a temporary regulation. Petition 1999-02 will come before the SEC on December 9, 1998.

WATER TREATMENT PLANTS

Intermittent discharge	\$250	\$125	\$500
Routine discharge	375	190	750

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	1,500
Chemically processing 36,500 to less than 100,000 tons per year	4,000	4,000	3,000
Chemically processing 100,000 to less than 500,000 tons per year	6,000	6,000	6,000
Chemically processing 500,000 to less than 1,000,000 tons per year	10,000	10,000	8,000
Chemically processing 1,000,000 to less than 2,000,000 tons per year	14,000	14,000	12,000
Chemically processing more than 2,000,000 tons per year	\$20,000	\$20,000	\$18,000
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
Municipality whose population is greater than 250,000	1,000	500	1,000

**MISCELLANEOUS DISCHARGES**

Discharge from fish hatcheries	\$250	\$125	\$300
Other permits for discharge	250	125	500

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. ]

**Section 3:** 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 subsections 2 and 5, a nonrefundable application fee must accompany each original application for a permit 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 Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
<b>DOMESTIC WASTE WATER</b>			
5,000 or more but less than 25,000 gallons daily	\$375	\$125	\$600
25,000 or more but less than 100,000 gallons daily	500	250	850
100,000 or more but less than 1,000,000 gallons daily	750	375	1,000
1,000,000 or more but less than 10,000,000 gallons daily	1,000	500	2,000
10,000,000 or more gallons daily	1,250	625	2,500
<b>MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY</b>			
Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily	625	315	1,500
50,000 or more but less than 1,000,000 gallons of process water daily	875	440	2,000

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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

Intermittent discharge	\$250	\$125	\$500
Routine discharge	375	190	750

#### 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
Chemically processing 1,000,000 to less than 2,000,000 tons per year	14,000	14,000	14,000

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Petition 1999-02 was submitted to the State Environmental Commission (SEC) on October 26, 1998, for adoption as a temporary regulation. Petition 1999-02 will come before the SEC on December 9, 1998.

Chemically processing more than 2,000,000 tons per year	20,000	20,000	20,000
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Monitoring of closed facilities	250	250	500
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STORM WATER RUNOFF

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

Discharge from fish hatcheries	\$250	\$125	\$300
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Other permits for discharge	250	125	500
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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.

**Section 4:**

1. Section 1 of this regulation expires by limitation on June 30, 2001.

2. Section 2 of this regulation is hereby repealed.

3. Section 3 of this regulation is effective July 1, 2001.

End of Temporary Petition 1999-02

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
TEMPORARY PETITION 1999-02  
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This temporary regulation deals with amendments to the water pollution control mining fees.

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

**Petition 1999-02**, was noticed three (3) times: November 10th, 17th and 24th, 1998 as a temporary regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. The regulation was adopted on December 9, 1998 by the State Environmental Commission. No oral testimony was received on this regulation. No written comments were received from at the public hearing during adoption of the regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., room 138, Carson city, Nevada 89706-0851.

**2. The number persons who:**

(a)	<b>Attended each hearing:</b>	<b>38</b>
(b)	<b>Testified at each hearing:</b>	<b>8</b>
(c)	<b>Submitted to the agency written comments:</b>	<b>0</b>

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

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates and locations of workshops and notices. Oral testimony in support of the regulation was received from the Nevada Mining Association. No written testimony was received from businesses on this regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

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

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The permanent regulation was adopted by the state Environmental Commission on December 9, 1998 without amendment to the regulation. No requests were made to amend this regulation.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

The proposed temporary regulation is anticipated to have any significant affirmative short or long term economic impact on Nevada businesses. The mining industry will see a decrease in the fees aid regarding mining water pollution control permits. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

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

There is no additional cost to the agency for enforcement.

**7. 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 regulations do not overlap or duplicate any regulations of another state or local governmental agency.

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

The regulations are no more stringent than federal regulation.

**9. 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.**

There will be no additional fees, nor will there be an increase in fees associated with this regulation. The regulation decreases fees on the mining industry.