

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R137-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/20/2024**

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

P2024-20

June 19, 2024

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

AUTHORITY: §1, NRS 445A.425.

A PERMANENT REGULATION relating to water pollution control; revising various fees for operating permits; and providing other matters properly relating thereto.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2-5, inclusive, of this regulation.

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

445A.232 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	Application Fee	Fee for Annual Review and Services
DISCHARGE OF DOMESTIC WASTEWATER		
Less than 50,000 gallons daily.....	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily.....	1,500	1,500
250,000 gallons or more but less than 500,000 gallons daily.....	2,000	2,000
500,000 gallons or more but less than 1,000,000 gallons daily.....	3,000	3,000
1,000,000 gallons or more but less than 2,000,000 gallons daily.....	4,000	4,000
2,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
5,000,000 gallons daily.....	6,000	6,000
5,000,000 gallons or more but less than 10,000,000 gallons daily.....	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	10,000	30,000
40,000,000 gallons or more daily.....	10,000	40,000
DISCHARGE OF RECLAIMED WATER OTHER THAN THROUGH A SPREADING BASIN		
Less than 50,000 gallons daily.....	\$750	\$750
50,000 gallons or more but less than 250,000 gallons daily.....	1,000	1,000
250,000 gallons or more but less than 500,000 gallons daily.....	1,250	1,250
500,000 gallons or more but less than 1,000,000 gallons daily.....	1,500	1,500
1,000,000 gallons or more but less than 10,000,000 gallons daily.....	2,000	2,000
.....		
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	2,500	2,500
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	3,000	3,000
40,000,000 gallons or more daily.....	3,500	3,500

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
DISCHARGE OF RECLAIMED WATER THROUGH A SPREADING BASIN		
Less than 10,000,000 gallons daily.....	\$10,000	\$10,000
.....		
.....		
10,000,000 gallons or more but less than 20,000,000 gallons daily.....	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons daily.....	10,000	30,000
40,000,000 gallons or more daily.....	10,000	40,000
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
Less than 50,000 gallons of process water daily.....	2,500	2,500
50,000 gallons or more but less than 250,000 gallons of process water daily.....	3,000	3,000
250,000 gallons or more but less than 500,000 gallons of process water daily.....	4,000	4,000
500,000 gallons or more but less than 1,000,000 gallons of process water daily.....	5,000	5,000
1,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
2,000,000 gallons of process water daily.....	6,000	6,000
2,000,000 gallons or more but less than 5,000,000 gallons of process water daily.....	8,000	8,000
5,000,000 gallons or more but less than 10,000,000 gallons of process water daily.....	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily.....	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily.....	10,000	30,000
40,000,000 gallons or more of process water daily.....	10,000	40,000
DISCHARGE FROM A TREATMENT PLANT FOR DRINKING WATER		
Intermittent discharge of less than 100,000 gallons daily.....	\$500	\$500
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	750
Intermittent discharge of 1,000,000 gallons or more daily.....	1,000	1,000
Routine discharge of less than 100,000 gallons daily.....	500	500
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	750
Routine discharge of 1,000,000 gallons or more daily.....	1,000	1,000
DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
FEEDING OPERATION		
Less than 100,000 gallons daily.....	\$1,500	\$1,500
100,000 gallons or more but less than 500,000 gallons daily.....	2,000	2,000
500,000 gallons or more daily.....	2,500	2,500
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
Area of a holding facility that is 10 acres or more but less than 20 acres.....	2,000	2,000
Area of a holding facility that is 20 acres or more.....	2,500	2,500
DISCHARGE FROM A FISH HATCHERY		
Less than 500,000 gallons daily.....	\$750	\$750
500,000 gallons or more but less than 2,500,000 gallons daily.....	1,000	1,000
2,500,000 gallons or more daily.....	1,500	1,500
OTHER PERMITTED DISCHARGES		
Less than 50,000 gallons daily.....	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily.....	1,500	1,500
250,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
500,000 gallons daily.....	3,000	3,000
500,000 gallons or more but less than 1,000,000 gallons daily.....	5,000	5,000
1,000,000 gallons or more but less than 10,000,000 gallons daily.....	10,000	10,000
10,000,000 gallons or more but less than 35,000,000 gallons daily.....	10,000	20,000
35,000,000 gallons or more daily.....	10,000	30,000
REUSE OF SEWAGE SLUDGE		
Less than 20,000 cubic yards per year.....	\$1,500	\$1,500
20,000 cubic yards or more per year.....	3,000	3,000
REUSE OF DOMESTIC SEPTAGE.....		
	\$1,000	\$1,000
DISCHARGE FROM A RECREATIONAL LAKE.....		
	\$5,000	\$5,000
TEMPORARY PERMIT.....	\$250	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 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
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.....	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	-	-	-

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
36,500 tons per year or more but less than 100,000 tons per year.....	-	-	-
-	-	-	-
Mining facility designed to chemically process 100,000 tons per year or more but less than 500,000 tons per year.....	4,000	4,000	4,000
-	-	-	-
Mining facility designed to chemically process 500,000 tons per year or more but less than 1,000,000 tons per year.....	6,000	6,000	8,000
-	-	-	-
Mining facility designed to chemically process 1,000,000 tons per year or more but less than 2,000,000 tons per year.....	10,000	10,000	10,000
-	-	-	-
Mining facility designed to chemically process 2,000,000 tons per year or more.....	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 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

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
			permitted 5 whichever is less
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
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	300	750
Municipality whose population is more than 250,000.....	1,000	50	1,000

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.

[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; R018-20, 8-26-2020)

Section 3: Chapter 445A of NAC is hereby amended by addition thereto a new section to read as follows:

NAC 445A.3915 Application for permit: Submission of technical document for preapplication review by Department; fee. ([NRS 445A.425](#), [445A.430](#), [445A.465](#), [445A.495](#))

1. Before submitting an application for a permit or major modification of an existing permit pursuant to [NAC 445A.394](#) or an application to renew an existing permit pursuant to [NAC 445A.420](#), a person may submit to the Department for preapplication review any technical document that is required to be submitted with the application pursuant to [NAC 445A.394](#) to [445A.398](#), inclusive, as determined by the Department.

2. If a person submits a technical document to the Department for preapplication review pursuant to subsection 1, he or she must include with that document:

- (a) A statement identifying the submission as a request for preapplication review of the document;
- (b) The name, location and mailing address of the facility, owner, operator and authorized agent;
- (c) The name of the owner of the land or mining claim or claims on which the facility is or will be located, as applicable;
- (d) The rate at which the facility is or will be chemically processing ore in tons of ore per year, as applicable; and
- (e) A nonrefundable fee of ~~[\$1,500]~~ *one quarter of the renewal fee of a permit as determined in Section 4 to a maximum of \$5,000*, which includes the Department’s review of any supplemental information or subsequent revisions made to the document.

3. A person may submit a technical document for preapplication review pursuant to this section in conjunction with a review conducted by a federal agency in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.

(Added to NAC by Environmental Comm’n by R018-20, eff. 8-26-2020)

REVISER’S NOTE.

The regulation of the State Environmental Commission filed with the Secretary of State on August 26, 2020 (LCB File No. R018-20), the source of this section, contains the following provision not included in NAC:

“Sec. 16. Section 1 of this regulation [[NAC 445A.3915](#)] does not apply to any technical document filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources for preapplication review before the date that this regulation is filed with the Secretary of State [August 26, 2020].”

Section 4: Chapter 445A of NAC is hereby amended by addition thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, 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:

(a) For the Application Fee for Original Permit and Renewal of Permit starting on January 1, 2025 and for the Fee for Annual Review and Services for the fiscal year beginning on July 1, 2025

***DISCHARGE TO
GROUNDWATER FROM THE
DEWATERING OF A MINE***

	<i>Application Fee for Original Permit or Renewal of Permit</i>	<i>Fee for Annual Review and Services</i>
<i>Less than 50,000 of dewatering water daily.....</i>	<i>\$2,500</i>	<i>\$2,500</i>

<i>50,000 gallons or more but less than 1,000,000 of dewatering water daily</i>	<i>3,750</i>	<i>3,750</i>
<i>1,000,000 gallons or more but less than 5,000,000 of dewatering water daily</i>	<i>5,000</i>	<i>5,000</i>
<i>5,000,000 gallons or more but less than 10,000,000 of dewatering water daily</i>	<i>7,500</i>	<i>7,500</i>
<i>10,000,000 gallons or more of dewatering water daily</i>	<i>10,000</i>	<i>10,000</i>

MINING

	<i>Application Fee for Original Permit or Renewal of Permit</i>	<i>Fee for Annual Review and Services</i>
<i>Mining facility permitted to process less than 18,250 tons per year.....</i>	<i>\$650</i>	<i>\$350</i>
<i>Mining facility permitted to process 18,250 tons per year or more but less than 36,500 tons per year.....</i>	<i>2,000</i>	<i>2,600</i>
<i>Mining facility permitted to process 36,500 tons per year or more but less than 100,000 tons per year.....</i>	<i>5,300</i>	<i>5,300</i>
<i>Mining facility permitted to process 100,000 tons per year or more but less than 500,000 tons per year.....</i>	<i>8,000</i>	<i>10,500</i>
<i>Mining facility permitted to process 500,000 tons per year or more but less than 1,000,000 tons per year.....</i>	<i>13,250</i>	<i>13,250</i>
<i>Mining facility permitted to process 1,000,000 tons per year or more but less than 2,000,000 tons per year.....</i>	<i>19,000</i>	<i>19,000</i>
<i>Mining facility permitted to process 2,000,000 tons per year or more but less than 5,000,000 tons per year.....</i>	<i>27,000</i>	<i>27,000</i>
<i>Mining facility permitted to process 5,000,000 tons per year or more but less than 10,000,000 tons per year.....</i>	<i>29,000</i>	<i>29,000</i>

<i>Mining facility permitted to process 10,000,000 tons per year or more but less than 20,000,000 tons per year.....</i>	<i>31,000</i>	<i>31,000</i>
<i>Mining facility permitted to process 20,000,000 tons per year or more but less than 40,000,000 tons per year.....</i>	<i>33,000</i>	<i>33,000</i>
<i>Mining facility permitted to process 40,000,000 tons per year or more.....</i>	<i>35,000</i>	<i>35,000</i>

(b) For the Application Fee for Original Permit and Renewal of Permit starting on July 1, 2026 and thereafter, and for the Fee for Annual Review and Services for the fiscal year beginning on July 1, 2026 and thereafter

***DISCHARGE TO
GROUNDWATER FROM THE
DEWATERING OF A MINE***

	<i>Application Fee for Original Permit or Renewal of Permit</i>	<i>Fee for Annual Review and Services</i>
<i>Less than 50,000 of dewatering water daily.....</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>50,000 gallons or more but less than 1,000,000 of dewatering water daily</i>	<i>7,500</i>	<i>7,500</i>
<i>1,000,000 gallons or more but less than 5,000,000 of dewatering water daily</i>	<i>10,000</i>	<i>10,000</i>
<i>5,000,000 gallons or more but less than 10,000,000 of dewatering water daily</i>	<i>15,000</i>	<i>15,000</i>
<i>10,000,000 gallons or more of dewatering water daily</i>	<i>20,000</i>	<i>20,000</i>

MINING

	<i>Application Fee for Original Permit or Renewal of Permit</i>	<i>Fee for Annual Review and Services</i>
<i>Mining facility permitted to process less than 18,250 tons per year.....</i>	<i>\$825</i>	<i>\$415</i>

<i>Mining facility permitted to process 18,250 tons per year or more but less than 36,500 tons per year.....</i>	<i>2,475</i>	<i>3,300</i>
<i>Mining facility permitted to process 36,500 tons per year or more but less than 100,000 tons per year.....</i>	<i>6,600</i>	<i>6,600</i>
<i>Mining facility permitted to process 100,000 tons per year or more but less than 500,000 tons per year.....</i>	<i>9,900</i>	<i>13,200</i>
<i>Mining facility permitted to process 500,000 tons per year or more but less than 1,000,000 tons per year.....</i>	<i>16,500</i>	<i>16,500</i>
<i>Mining facility permitted to process 1,000,000 tons per year or more but less than 2,000,000 tons per year.....</i>	<i>23,100</i>	<i>23,100</i>
<i>Mining facility permitted to process 2,000,000 tons per year or more but less than 5,000,000 tons per year.....</i>	<i>33,000</i>	<i>33,000</i>
<i>Mining facility permitted to process 5,000,000 tons per year or more but less than 10,000,000 tons per year.....</i>	<i>38,000</i>	<i>38,000</i>
<i>Mining facility permitted to process 10,000,000 tons per year or more but less than 20,000,000 tons per year.....</i>	<i>42,000</i>	<i>42,000</i>
<i>Mining facility permitted to process 20,000,000 tons per year or more but less than 40,000,000 tons per year.....</i>	<i>46,000</i>	<i>46,000</i>
<i>Mining facility permitted to process 40,000,000 tons per year or more.....</i>	<i>50,000</i>	<i>50,000</i>

2. *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.*
3. *For the purposes of tonnage processed, this is the permitted maximum dry tonnage of the material processed for beneficiation.*

4. For the fiscal year beginning on July 1, 2027 and for each fiscal year thereafter, the Director shall:

(a) Increase the annual review and service fee as set forth in this Section by an amount equal to up to 5 percent of the annual review and service fee for the immediately preceding fiscal year.

(b) Increase the application fee for original permit or renewal of a permit in this Section by an amount equal to up to 5 percent of the annual review and service fee for the immediately preceding fiscal year.

↳ In establishing any fee pursuant to this subsection, the Director shall round to 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.

NAC 445A.418 Fee for modification of permit. (NRS 445A.425, 445A.430, 445A.465)

1. The fee for a minor modification to a permit described in [NAC 445A.416](#) is one-half the amount of the renewal fee for a permit, up to a maximum fee of \$~~10,000~~ ~~[5,000]~~.

2. The fee for a major modification to a permit described in [NAC 445A.417](#) is equal to the amount of the renewal fee for a permit.

3. The fee for a modification to the engineering design described in [NAC 445A.4155](#) is \$~~1,000~~ ~~[500]~~.

(Added to NAC by Environmental Comm'n, eff. 9-1-89; A 10-29-97; R046-18, 8-30-2018)

Section 5: Chapter 445A of NAC is hereby amended by addition thereto a new section to read as follows:

NAC 445A.446 Permanent closure of facility or a source at facility. (NRS 445A.425, 445A.465)

1. The permanent closure of a facility or a source at a facility, as applicable, must be initiated:

(a) Following the request of the holder of the permit;

(b) For a facility which is under a temporary closure, no later than at the end of one renewal of a 5-year permit which has been issued pursuant to subsection 2 of [NAC 445A.420](#);

(c) When the end of the design life of that process component is reached; or

(d) For an underground mine, and any source therein, which has the potential to degrade the waters of the State, before the elimination of safe access to the mine.

2. Permanent closure is complete when the requirements contained in [NAC 445A.429](#), [445A.430](#) and [445A.431](#), as applicable, have been achieved and all other sources at the facility have been stabilized, removed or mitigated.

3. The annual fee for monitoring of a mining facility that has completed all physical closure activities and is undergoing source stabilization (meaning waiting for the groundwater table to stabilize and equilibrate) is one half the renewal fee for a permit as determined in Section 4

4.3. The time required for post-closure monitoring depends upon the particular site and process characteristics, but, except as otherwise provided in subsection **54**, the time required must not exceed 30 years. **The annual fee for post-closure monitoring is one quarter of the renewal**

fee. If the facility was in post-closure monitoring prior to July 1, 2025 then the fee is \$500 for the annual review and service fee and \$250 for the renewal fee for a permit.

5.4. If the Department determines that chemical stabilization, source removal or mitigation has not been achieved during the post-closure monitoring period, the Department shall require the holder of the permit to take additional actions to achieve the necessary chemical stabilization, source removal or mitigation. After such actions have been taken, the Department shall require an additional period of time for post-closure monitoring. The time required for this additional period of post-closure monitoring must not exceed 30 years.

(Added to NAC by Environmental Comm'n, eff. 9-1-89; A by R046-18, 8-30-2018)—
(Substituted in revision for NAC 445.24386)