

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION
LCB File No. R206-99**

§§1 and 3 effective January 26, 2000

§2 effective July 1, 2001

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

AUTHORITY: §§1 and 2, NRS 445A.425 and 445A.430; §3, NRS 445A.425.

FIRST
PARALLEL
SECTION

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

445A.232 1. Except as otherwise provided in subsections 2 and ~~5, 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:

| <i>Type of Permit</i> | <i>Application</i> | <i>Fee for</i> |
|--|--------------------|-------------------|
| <i>Issued</i> | <i>Fee</i> | <i>Annual</i> |
| | | <i>Review and</i> |
| | | <i>Services</i> |
| <i>DISCHARGE OF DOMESTIC</i> | | |
| <i>WASTEWATER</i> | | |
| <i>Less than 50,000 gallons daily</i> | <i>\$1,000</i> | <i>\$1,000</i> |
| <i>50,000 gallons or more but less than</i> | | |
| <i>250,000 gallons daily</i> | <i>1,500</i> | <i>1,500</i> |
| <i>250,000 gallons or more but less than</i> | | |
| <i>500,000 gallons daily</i> | <i>2,000</i> | <i>2,000</i> |

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

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 TREATED

EFFLUENT FOR IRRIGATION

| | | |
|--|--------------|--------------|
| <i>Less than 50,000 gallons daily.....</i> | <i>\$750</i> | <i>\$750</i> |
| <i>50,000 gallons or more but less than</i> | | |
| <i>250,000 gallons daily.....</i> | <i>1,000</i> | <i>1,000</i> |
| <i>250,000 gallons or more but less than</i> | | |
| <i>500,000 gallons daily.....</i> | <i>1,250</i> | <i>1,250</i> |
| <i>500,000 gallons or more but less than</i> | | |
| <i>1,000,000 gallons daily.....</i> | <i>1,500</i> | <i>1,500</i> |
| <i>1,000,000 gallons or more but less than</i> | | |
| <i>10,000,000 gallons daily.....</i> | <i>2,000</i> | <i>2,000</i> |

*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

***DISCHARGE FROM REMEDIATION,
 DEWATERING, OTHER THAN A DISCHARGE
 TO GROUND WATER 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*

| | | |
|--|---------------|---------------|
| <i>50,000 gallons or more but less than</i> | | |
| <i>250,000 gallons of process water daily</i> | <i>3,000</i> | <i>3,000</i> |
| <i>250,000 gallons or more but less than</i> | | |
| <i>500,000 gallons of process water daily</i> | <i>4,000</i> | <i>4,000</i> |
| <i>500,000 gallons or more but less than</i> | | |
| <i>1,000,000 gallons of process water daily</i> | <i>5,000</i> | <i>5,000</i> |
| <i>1,000,000 gallons or more but less than</i> | | |
| <i>2,000,000 gallons of process water daily</i> | <i>6,000</i> | <i>6,000</i> |
| <i>2,000,000 gallons or more but less than</i> | | |
| <i>5,000,000 gallons of process water daily</i> | <i>8,000</i> | <i>8,000</i> |
| <i>5,000,000 gallons or more but less than</i> | | |
| <i>10,000,000 gallons of process water daily</i> | <i>10,000</i> | <i>10,000</i> |
| <i>10,000,000 gallons or more but less than</i> | | |
| <i>20,000,000 gallons of process water daily</i> | <i>10,000</i> | <i>20,000</i> |

| | | |
|--|---------------|---------------|
| <i>20,000,000 gallons or more but less than</i> | | |
| <i>40,000,000 gallons of process water daily</i> | <i>10,000</i> | <i>30,000</i> |
| <i>40,000,000 gallons or more of process</i> | | |
| <i>water daily.....</i> | <i>10,000</i> | <i>40,000</i> |

***DISCHARGE FROM A TREATMENT
PLANT FOR DRINKING WATER***

| | | |
|--|--------------|--------------|
| <i>Intermittent discharge of less than 100,000</i> | | |
| <i>gallons daily.....</i> | <i>\$500</i> | <i>\$500</i> |

| | | |
|--|------------|------------|
| <i>Intermittent discharge of 100,000 gallons or</i> | | |
| <i>more but less than 1,000,000 gallons daily.....</i> | <i>750</i> | <i>750</i> |

| | | |
|---|--------------|--------------|
| <i>Intermittent discharge of 1,000,000 gallons or</i> | | |
| <i>more daily</i> | <i>1,000</i> | <i>1,000</i> |

| | | |
|---|------------|------------|
| <i>Routine discharge of less than 100,000</i> | | |
| <i>gallons daily.....</i> | <i>500</i> | <i>500</i> |

| | | |
|---|------------|------------|
| <i>Routine discharge of 100,000 gallons or more</i> | | |
| <i>but less than 1,000,000 gallons daily.....</i> | <i>750</i> | <i>750</i> |

Routine discharge of 1,000,000 gallons or

more daily 1,000 1,000

***DISCHARGE OF WASTEWATER
FROM A CONCENTRATED ANIMAL
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

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 | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|-------------------|---|---|---|
|-------------------|---|---|---|

~~DOMESTIC WASTE WATER~~

| | | | |
|--|----------------|----------------|------------------|
| 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 daily1,000 500 2,000~~

~~10,000,000 or more gallons~~

~~daily1,250 625 2,500~~

~~MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY]~~

DISCHARGE TO GROUND WATER FROM THE DEWATERING OF A MINE

Cooling water only\$625 \$315 \$1,000

Less than 50,000 gallons of

process water daily625 315 1,500

50,000 *gallons* or more but less than

1,000,000 gallons of process

water daily875 440 2,000

1,000,000 *gallons* or more but less than 5,000,000 gallons of process water daily1,000 500 2,500

5,000,000 *gallons* or more [~~gallons~~] of process water daily1,250 625 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} <i>tons per year</i> <i>or more but</i> less than 36,500 tons per year | 1,500 | 1,500 | 1,000 |
|--|-------|-------|-------|

| | | | |
|---|-------|-------|-------|
| Chemically processing 36,500 {to} <i>tons per year</i> <i>or more but</i> less than 100,000 tons per year | 4,000 | 4,000 | 2,000 |
|---|-------|-------|-------|

| | | | |
|--|-------|-------|-------|
| Chemically processing 100,000 {to} <i>tons per year</i> <i>or more but</i> less than 500,000 tons per year | 6,000 | 6,000 | 4,000 |
|--|-------|-------|-------|

Chemically processing
 500,000 ~~{to}~~ *tons per year*
or more but less than
 1,000,000 tons per year10,000 10,000 6,000

Chemically processing
 1,000,000 ~~{to}~~ *tons per year*
or more but less than
 2,000,000 tons per year14,000 14,000 10,000

Chemically processing
~~{more than}~~ 2,000,000
 tons per year *or more*20,000 20,000 16,000

Monitoring of closed facilities250 250 500

***RUNOFF OF* STORM WATER ~~{RUNOFF}~~**

Industrial or commercial facility,
 including any structure, that is 5
acres to 10 acres, inclusive, in size\$300 \$150 \$750

Industrial or commercial facility,

~~—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. *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 ~~[stated in subsection 1.~~

~~—4.] set forth in this section.~~

6. If required, the fee for the annual review and services must be ~~[submitted]~~ :

(a) *Submitted* to the division on or before July 1 of each year ~~[~~

~~—5.]; 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. *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.*

9. *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. 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 | | |
| 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 TREATED

EFFLUENT FOR IRRIGATION

| | | |
|--------------------------------------|-------|-------|
| 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 |

DISCHARGE FROM REMEDIATION,
DEWATERING, OTHER THAN A DISCHARGE
TO GROUND WATER 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 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
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 more2,500 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 daily1,000 1,000

2,500,000 gallons or more daily1,500 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 daily1,500 1,500

250,000 gallons or more but less than

500,000 gallons daily3,000 3,000

500,000 gallons or more but less than

1,000,000 gallons daily5,000 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 | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|-------------------|---|---|---|
|-------------------|---|---|---|

DISCHARGE TO GROUND WATER FROM THE DEWATERING OF A MINE

| | | | |
|--|-------|-------|---------|
| Cooling water only | \$625 | \$315 | \$1,000 |
| Less than 50,000 gallons of process water daily | 625 | 315 | 1,500 |

50,000 gallons or more but less than
 1,000,000 gallons of process
 water daily875 440 2,000

1,000,000 gallons or more but less
 than 5,000,000 gallons of
 process water daily1,000 500 2,500

5,000,000 gallons or more of
 process water daily1,250 625 3,000

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 tons per year
 or more but less than
 36,500 tons per year1,500 1,500 2,000

Chemically processing
 36,500 tons per year
 or more but less than
 100,000 tons per year4,000 4,000 4,000

Chemically processing
 100,000 tons per year
 or more but less than
 500,000 tons per year6,000 6,000 8,000

Chemically processing
 500,000 tons per year
 or more but less than
 1,000,000 tons per year10,000 10,000 10,000

Chemically processing
 1,000,000 tons per year
 or more but less than
 2,000,000 tons per year14,000 14,000 14,000

Chemically processing
 2,000,000 tons per
 year or more20,000 20,000 20,000

Monitoring of closed facilities250 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 size600 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 | 500 | 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.*

FLUSH *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.

~~9.1~~ 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.

Sec. 3. NAC 445A.263 is hereby amended to read as follows:

445A.263 1. Except as otherwise provided in this section, the director may, after notice and opportunity for a public hearing, modify, suspend or revoke any permit in whole or in part during its term for cause, including, but not limited to, the causes listed in NAC 445A.261, or for failure or refusal of the holder of the permit to carry out the requirements of NAC 445A.247.

2. The director may, upon the request of the holder of the permit, ~~revise or~~ modify a schedule of compliance in an issued permit if:

(a) He determines good ~~and valid cause, such as~~ *cause, including, without limitation*, an act of God, *or a* strike, flood, materials shortage or *any* other event over which the holder has little or no control, exists for ~~such revision;~~ *the modification;* and

(b) Within 30 days ~~following~~ *after* receipt of notice from the director, the regional administrator does not object in writing.

3. The director may, upon request of the holder of a permit, modify or revoke and reissue a permit to identify a new ~~permittee~~ *holder of the permit* and incorporate such other requirements as necessary if:

(a) The current ~~permittee~~ *holder of the permit* notifies the department at least 30 days before the proposed date of the transfer; and

(b) The notice provided pursuant to paragraph (a) includes, without limitation, a written agreement between the existing and new ~~permittees~~ *holders of the permit* containing a specific date for transfer of the permit responsibility, coverage and liability.

4. With the consent of the ~~permittee~~ *holder of the permit* and without public notice, the director may make minor modifications to a permit to:

(a) Correct typographical errors;

(b) Clarify the language of the permit;

- (c) Require more frequent monitoring or reporting by the ~~permittee;~~ *holder of the permit;*
- (d) Change an interim compliance date;
- (e) Allow for a change in ownership or operational control of a facility if the department determines that no other change in the permit is necessary and a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new ~~permittees~~ *holders of the permit* has been submitted to the department;
- (f) Change the construction schedule for a discharger which is a new source if such *a* change does not affect an obligation of the discharger to have all pollution control equipment installed and in operation before discharge; ~~or~~
- (g) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits ~~or~~; *or*
- (h) *Reduce the limit of flow, in gallons per day, of the discharge authorized in the permit.*

5. The director may reissue a permit that has been revoked and may require an updated application from the ~~permittee~~ *holder* of the revoked permit.

6. If a permit is to be modified, only the conditions that are subject to modification may be considered or affected by the modification. If a permit is to be revoked and reissued, the entire permit may be considered and is subject to revision.

7. A person aggrieved by the modification, suspension or revocation of a permit may file a notice of appeal with the commission within 10 days after the date of notice of action of the department, except as otherwise provided by law.