

LCB File No. R206-99

NEVADA STATE ENVIRONMENTAL COMMISSION NOTICE OF PUBLIC HEARING

The Nevada State Environmental Commission will hold a public hearing beginning at **9:30 a.m. on Thursday, December 16, 1999**, at the Clark County Commission Chambers, located at 500 South Grand Central Parkway (Clark County Complex), **Las Vegas**, Nevada.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of regulations. 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.

4. Petition 2000-03 (LCB R206-99) is a permanent regulation amending NAC 445A.232 "fees" in the water pollution control program. This petition affects fees other than those fees previously amended by Petition 1999-02 (LCB R-018-99) which amended mining water pollution control discharge fees. This proposed regulation increases the fees for municipal wastewater dischargers, reuse, industrial dischargers, water treatment plants, confined animal feed operations, fish hatcheries, biosolids reuse, septage reuse, and temporary permits.

The proposed permanent regulation is anticipated to have significant short or long term economic impact on Nevada businesses and communities requiring water pollution control permits. Water pollution control permit fees are based upon the wastewater discharge flows. The adoption of this regulation will have a direct short and long term minor adverse economic impact upon the public. The proposed regulations could impact the customer rates of wastewater processing facilities. 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 increases existing fees. The \$ 700,000 in fees raised by the proposed regulation will be used to pay for the budgeted operations and staffing of the permitting, inspection and enforcement activities of the State's water pollution control program.

Pursuant to NRS 233B.0603 the provisions of NRS 233B.064 (2) are hereby provided:

"Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporation therein its reason for overruling the consideration urged against its adoption."

Persons wishing to comment upon the proposed regulation changes may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form,

--1--

Agency Draft of Proposed Regulation R206-99

to the Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89706-0851. Written submissions must be received at least five days before the scheduled public hearing.

A copy of the regulations to be adopted or amended will be on file at the State Library, 100 Stewart Street and the Division of Environmental Protection, 333 West Nye Lane - Room 104, in Carson City and at the Division of Environmental Protection, 555 E. Washington - Suite 4300, in Las Vegas for inspection by members of the public during business hours. In addition, copies of the regulations and public notice have been deposited at major library branches in each county in Nevada. The notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653. The proposed regulations are on the Internet at <http://www.leg.state.nv.us>. In addition, the State Environmental Commission maintains an Internet site at <http://www.state.nv.us/ndep/admin/envir01.htm>. This site contains the public notice, agenda, codified regulations, and petitions for pending and past commission actions.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of David Cowperthwaite, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851, facsimile (775) 687-5856, or by calling (775) 687-4670 Extension 3118, no later than 5:00 p.m. on **December 9, 1999**.

This public notice has been posted at the following locations: Clark County Public Library and Grant Sawyer Office Building in Las Vegas; Clark County Commission Chambers and Washoe County Library in Reno; and Division of Environmental Protection and Department of Museums, Library and Arts in Carson City.

PROPOSED REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

Petition 2000-03

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

AUTHORITY: 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 subsection ~~[s 2 and]~~ 5, a nonrefundable application fee must accompany each original application for a permit, *each application for a major permit modification* 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
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 daily	1,000	500	2,000
10,000,000 or more gallons daily	1,250	625	2,500

DOMESTIC WASTE WATER

ANNUAL FEE

APPLICATION

		<u>FEE</u>
<i>Less than 50,000 gallons daily. . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 or more but less than 250,000 gallons daily. . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>250,000 or more but less than 500,000 gallons daily. . .</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>1,000,000 or more but less than 2,000,000 gallons daily. ..</i>	<i>\$4,000</i>	<i>\$4,000</i>
<i>2,000,000 or more but less than 5,000,000 daily. . . .</i>	<i>\$6,000</i>	<i>\$6,000</i>
<i>5,000,000 or more but less than 10,000,000 gallons daily ...</i>	<i>\$10,000</i>	<i>\$10,000</i>
<i>10,000,000 or more but less than 20,000,000 gallons daily...</i>	<i>\$20,000</i>	<i>\$10,000</i>
<i>20,000,000 or more but less than 40,000,000 gallons daily</i>	<i>\$30,000</i>	<i>\$10,000</i>
<i>Greater than 40,000,000 gallons daily. . . .</i>	<i>\$40,000</i>	<i>\$10,000</i>

REUSE DISCHARGES

	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 50,000 gallons daily. . . .</i>	<i>\$750</i>	<i>\$750</i>
<i>50,000 or more but less than 250,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>250,000 or more but less than 500,000 gallons daily. . . .</i>	<i>\$1,250</i>	<i>\$1,250</i>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>1,000,000 or more but less than 10,000,000 gallons daily..</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>10,000,000 or more but less than 20,000,000 gallons daily.</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>20,000,000 or more but less than 40,000,000 gallons daily.</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>40,000,000 or more daily. . . .</i>	<i>\$3,500</i>	<i>\$3,500</i>

DISCHARGES FROM MANUFACTURING, POWER PLANTS, FOOD PROCESSING, DEWATERING, REMEDIATION, COMMERCIAL AND ANY OTHER INDUSTRIAL DISCHARGE NOT OTHERWISE SPECIFIED

	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Cooling water only</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Less than 50,000 gallons of process water daily</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>50,000 or more but less than 250,000 gallons of process water</i>	<i>\$3,000</i>	<i>\$3,000</i>

<i>daily . .</i>		
<i>250,000 or more but less than 500,000 gallons of process water daily.</i>	<i>\$4,000</i>	<i>\$4,000</i>
<i>500,000 or more but less than 1,000,000 gallons of process water daily. . . .</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>1,000,000 or more but less than 2,000,000 gallons of process water daily...</i>	<i>\$6,000</i>	<i>\$6,000</i>
<i>2,000,000 or more but less than 5,000,000 gallons of process water daily</i>	<i>\$8,000</i>	<i>\$8,000</i>
<i>5,000,000 or more but less than 10,000,000 gallons of process water daily</i>	<i>\$10,000</i>	<i>\$10,000</i>
<i>10,000,000 or more but less than 20,000,000 gallons of process water daily...</i>	<i>\$20,000</i>	<i>\$10,000</i>
<i>20,000,000 or more but less than 40,000,000 gallons of process water daily</i>	<i>\$30,000</i>	<i>\$10,000</i>
<i>40,000,000 or more daily...</i>	<i>\$40,000</i>	<i>\$10,000</i>

DRINKING WATER TREATMENT PLANTS

	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>
<i>Intermittent discharges less than 100,000 gallons daily....</i>	<i>\$500</i>	<i>\$500</i>
<i>Intermittent discharges greater than 100,000 but less than 1,000,000 gallons daily....</i>	<i>\$750</i>	<i>\$750</i>
<i>Intermittent discharges greater than 1,000,000 gallons daily....</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>Routine discharge less than 100,000 gallons daily. . . .</i>	<i>\$500</i>	<i>\$500</i>
<i>Routine discharge greater than 100,000 but less than 1,000,000 gallons daily....</i>	<i>\$750</i>	<i>\$750</i>
<i>Routine discharge greater than 1,000,000 gallons daily</i>	<i>\$1,000</i>	<i>\$1,000</i>

CONFINED ANIMAL FEED OPERATIONS (CAFO) FACILITIES WITH A DISCHARGE OF WASTEWATER

	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>
<i>Less than 100,000 gallons daily</i>	<i>\$1,500</i>	<i>\$1,500</i>

<i>100,000 gallons or more but less than 500,000 gallons daily.</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>500,000 or more gallons daily. .</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>CAFO FACILITIES WITHOUT A DISCHARGE OF WASTEWATER (assume 100 ft²/animal)</i>	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>
<i>Area of Holding Facility 0 to 10 acres. . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>Area of Holding Facility 10 to 20 acres. . . .</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Area of Holding Facility 20 acres or more. . . .</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>DISCHARGE FROM FISH HATCHERIES</i>	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>
<i>Less than 500,000 gallons daily. . . .</i>	<i>\$750</i>	<i>\$750</i>
<i>500,000 to 2,500,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>2,500,000 gallons or more daily.</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>OTHER PERMITTED DISCHARGES</i>	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>
<i>Less than 50,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 or more but less than 250,000 gallons daily. .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>250,000 or more but less than 500,000 gallons daily..</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>500,000 or more but less than 1,000,000 gallons daily.</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>. . .</i>		
<i>1,000,000 or more but less than 10,000,000 gallons daily...</i>	<i>\$10,000</i>	<i>\$10,000</i>
<i>10,000,000 or more but less than 35,000,000 gallons daily. .</i>	<i>\$20,000</i>	<i>\$10,000</i>
<i>35,000,000 or more gallons daily. . . .</i>	<i>\$30,000</i>	<i>\$10,000</i>
<i>BIOSOLIDS REUSE</i>	<u><i>ANNUAL FEE</i></u>	<u><i>APPLICATION FEE</i></u>

<i>Less than 20,000 cubic yards per year</i>		<i>\$1,500</i>	<i>\$1,500</i>
<i>Above 20,000 cubic yards per year</i>		<i>\$3,000</i>	<i>\$3,000</i>

<i>SEPTAGE REUSE</i>		<i>\$1,000</i>	<i>\$1,000</i>
----------------------	--	----------------	----------------

<i>DISCHARGE FROM RECREATIONAL LAKE FOR WATER QUALITY PURPOSES</i>		<i>\$5,000</i>	<i>\$5,000</i>
--	--	----------------	----------------

<i>TEMPORARY PERMIT</i>		<i>NA</i>	<i>\$250</i>
-------------------------	--	-----------	--------------

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

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

~~— [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	\$1,000
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
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 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.] All fees shall be charged at the permitted flow in gallons per day, not design capacity. This applies to all categories.~~

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.

6. Effective July 1, 2002, and each biennium thereafter, a 5% increase (2.5% per year) shall be applied to the fees listed above.

7. The Division may approve an alternate payment plan upon receiving a hardship petition from the Permittee.

Section 2: 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 subsection ~~[s 2 and]~~ 5, a nonrefundable application fee must accompany each original application for a permit, *each application for a major modification* 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
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 daily	1,000	500	2,000
10,000,000 or more gallons daily	1,250	625	2,500]

<i>DOMESTIC WASTE WATER</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 50,000 gallons daily. . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 or more but less than 250,000 gallons daily. .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>250,000 or more but less than 500,000 gallons daily.</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>500,000 or more but less than 1,000,000 gallons daily. .</i>	<i>\$3,000</i>	<i>\$3,000</i>

<i>DOMESTIC WASTE WATER</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>1,000,000 or more but less than 2,000,000 gallons daily.</i>	<i>\$4,000</i>	<i>\$4,000</i>
<i>2,000,000 or more but less than 5,000,000 gallons daily.</i>	<i>\$6,000</i>	<i>\$6,000</i>
<i>5,000,000 or more but less than 10,000,000 gallons daily</i>	<i>\$10,000</i>	<i>\$10,000</i>
<i>...</i>		
<i>10,000,000 or more but less than 20,000,000 gallons daily...</i>	<i>\$20,000</i>	<i>\$10,000</i>
<i>20,000,000 or more but less than 40,000,000 gallons daily</i>	<i>\$30,000</i>	<i>\$10,000</i>
<i>Greater than 40,000,000 gallons daily. . . .</i>	<i>\$40,000</i>	<i>\$10,000</i>

<i>REUSE DISCHARGES</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 50,000 gallons daily. . . .</i>	<i>\$750</i>	<i>\$750</i>
<i>50,000 or more but less than 250,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>250,000 or more but less than 500,000 gallons daily. . . .</i>	<i>\$1,250</i>	<i>\$1,250</i>
<i>500,000 or more but less than 1,000,000 gallons daily. . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>1,000,000 or more but less than 10,000,000 gallons daily.</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>10,000,000 or more but less than 20,000,000 gallons daily.</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>20,000,000 or more but less than 40,000,000 gallons daily.</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>40,000,000 or more daily. . . .</i>	<i>\$3,500</i>	<i>\$3,500</i>

<i>DISCHARGES FROM MANUFACTURING, POWER PLANTS, FOOD PROCESSING, DEWATERING, REMEDIATION, COMMERCIAL AND ANY OTHER INDUSTRIAL DISCHARGE NOT OTHERWISE SPECIFIED</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Cooling water only</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Less than 50,000 gallons of process water daily</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>50,000 or more but less than 250,000 gallons of process water daily</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>250,000 or more but less than 500,000 gallons of process water daily. . . .</i>	<i>\$4,000</i>	<i>\$4,000</i>

<i>DISCHARGES FROM MANUFACTURING, POWER PLANTS, FOOD PROCESSING, DEWATERING, REMEDIATION, COMMERCIAL AND ANY OTHER INDUSTRIAL DISCHARGE NOT OTHERWISE SPECIFIED</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>500,000 or more but less than 1,000,000 gallons of process water daily. . . .</i>	\$5,000	\$5,000
<i>1,000,000 or more but less than 2,000,000 gallons of process water daily...</i>	\$6,000	\$6,000
<i>2,000,000 or more but less than 5,000,000 gallons of process water daily</i>	\$8,000	\$8,000
<i>5,000,000 or more but less than 10,000,000 gallons of process water daily</i>	\$10,000	\$10,000
<i>10,000,000 or more but less than 20,000,000 gallons of process water daily...</i>	\$20,000	\$10,000
<i>20,000,000 or more but less than 40,000,000 gallons of process water daily</i>	\$30,000	\$10,000
<i>40,000,000 or more daily...</i>	\$40,000	\$10,000
 <i>DRINKING WATER TREATMENT PLANTS</i>	 <u>ANNUAL FEE</u>	 <u>APPLICATION FEE</u>
<i>Intermittent discharges less than 100,000 gallons daily....</i>	\$500	\$500
<i>Intermittent discharges greater than 100,000 but less than 1,000,000 gallons daily....</i>	\$750	\$750
<i>Intermittent discharges greater than 1,000,000 gallons daily....</i>	\$1,000	\$1,000
<i>Routine discharge less than 100,000 gallons daily. . . .</i>	\$500	\$500
<i>Routine discharge greater than 100,000 but less than 1,000,000 gallons daily....</i>	\$750	\$750
<i>Routine discharge greater than 1,000,000 gallons daily</i>	\$1,000	\$1,000
 [Water Treatment Plants		
Intermittent discharge	\$1,000	\$1,000
Routine discharge	\$1,500	\$1,500

<i>CONFINED ANIMAL FEED OPERATIONS (CAFO) FACILITIES WITH A DISCHARGE OF WASTEWATER</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 100,000 gallons daily</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>100,000 gallons or more but less than 500,000 gallons daily.</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>500,000 or more gallons daily. .</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>CAFO FACILITIES WITHOUT A DISCHARGE OF WASTEWATER (assume 100 ft²/animal)</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Area of Holding Facility 0 to 10 acres. . . .</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>Area of Holding Facility 10 to 20 acres. . . .</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Area of Holding Facility 20 acres or more. . . .</i>	<i>\$2,500</i>	<i>\$2,500</i>
<i>DISCHARGE FROM FISH HATCHERIES</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 500,000 gallons daily. . . .</i>	<i>\$750</i>	<i>\$750</i>
<i>500,000 to 2,500,000 gallons daily. . . .</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>2,500,000 gallons or more daily.</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>OTHER PERMITTED DISCHARGES</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>Less than 50,000 gallons daily.</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 or more but less than 250,000 gallons daily.</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>250,000 or more but less than 500,000 gallons daily.</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>500,000 or more but less than 1,000,000 gallons daily. .</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>1,000,000 or more but less than 10,000,000 gallons daily...</i>	<i>\$10,000</i>	<i>\$10,000</i>
<i>10,000,000 or more but less than 35,000,000 gallons daily. .</i>	<i>\$20,000</i>	<i>\$10,000</i>

<i>OTHER PERMITTED DISCHARGES</i>	<u>ANNUAL FEE</u>	<u>APPLICATION FEE</u>
<i>35,000,000 or more gallons daily. . . .</i>	<i>\$30,000</i>	<i>\$10,000</i>
<i>BIOSOLIDS REUSE</i>		
<i>Less than 20,000 cubic yards per year</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>Above 20,000 cubic yards per year</i>	<i>\$3,000</i>	<i>\$3,000</i>
<i>SEPTAGE REUSE</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>DISCHARGE FROM RECREATIONAL LAKE FOR WATER QUALITY PURPOSES</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>TEMPORARY PERMIT</i>	<i>NA</i>	<i>\$250</i>

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

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

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
Chemically processing more than 2,000,000 tons per year	20,000	20,000	20,000
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 and
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.

6. Effective July 1, 2002, and each biennium thereafter, a 5% increase (2.5% per year) shall be applied to the fees listed above.

7. The Division may approve an alternate payment plan upon receiving a hardship petition from the Permittee.

Section 3. NAC 445A.263 (Amended in LCB Petition R020-99, Sec 14) 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 an act of God, strike, flood, materials shortage or other event over which the holder has little or no control, exists for such revision; and

(b) Within 30 days following 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 and incorporate such other requirements as necessary if:

(a) The current permittee 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 containing a specific date for transfer of the permit responsibility, coverage and liability.

4. With the consent of the permittee 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;

(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 has been submitted to the department;

(f) Change the construction schedule for a discharger which is a new source if such 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

(h) Reduce the permitted flow to reflect current conditions.

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