

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R206-99

December 15, 1999

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>
<i>500,000 gallons or more but less than</i>		
<i>1,000,000 gallons daily.....</i>	<i>3,000</i>	<i>3,000</i>
<i>1,000,000 gallons or more but less than</i>		
<i>2,000,000 gallons daily.....</i>	<i>4,000</i>	<i>4,000</i>
<i>2,000,000 gallons or more but less than</i>		
<i>5,000,000 gallons daily.....</i>	<i>6,000</i>	<i>6,000</i>
<i>5,000,000 gallons or more but less than</i>		
<i>10,000,000 gallons 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 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 daily.....</i>	<i>10,000</i>	<i>30,000</i>

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 FOR
MINING, 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*

<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

Intermittent discharge of less than 100,000

<i>gallons daily</i>	<i>\$500</i>	<i>\$500</i>
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*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 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

<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>3,000</i>	<i>3,000</i>		
 <i>500,000 gallons or more but less than</i>				
<i>1,000,000 gallons daily</i>	<i>5,000</i>	<i>5,000</i>		
 <i>1,000,000 gallons or more but less than</i>				
<i>10,000,000 gallons daily</i>	<i>10,000</i>	<i>10,000</i>		
 <i>10,000,000 gallons or more but less than</i>				
<i>35,000,000 gallons daily</i>	<i>10,000</i>	<i>20,000</i>		
 <i>35,000,000 gallons or more daily</i>			<i>10,000</i>	<i>30,000</i>

REUSE OF

SEWAGE SLUDGE

<i>Less than 20,000 cubic yards per year</i>	<i>\$1,500</i>	<i>\$1,500</i>
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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 dewatering of a mine or discharging water from a mine that is submitted to or required by the director. The director shall charge the following fees:

Type of Discharge	Application	Application	Fee for
Permitted	Fee for Original	Fee for Renewal	Annual
	Permit	of Permit	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 daily500 250 850~~

~~100,000 or more but less~~

~~than 1,000,000 gallons daily750 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]~~

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 <i>gallons</i> or more but less than 1,000,000 gallons of process water daily	875	440	2,000
1,000,000 <i>gallons</i> or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
5,000,000 <i>gallons</i> or more [<i>gallons</i>] 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
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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,

including any structure, that is

~~{greater}~~ *more* than 10 acres ~~{and}~~

but less than 25 acres in size600 300 750

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 limits for the discharge of pollutants set forth in the permit and not based upon the designed capacity of a facility.

*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, that 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 FOR
MINING, 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
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Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily	750	750
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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 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 dewatering of a mine or discharging water from a mine 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
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 daily	875	440	2,000
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1,000,000 gallons 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 gallons or more of process water daily	1,250	625	3,000
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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 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 year	14,000	14,000	14,000
Chemically processing			
2,000,000 tons per			
year or more	20,000	20,000	20,000
Monitoring of closed facilities	250	250	500

RUNOFF OF STORM WATER

Industrial or commercial facility, including any structure, that is 5 acres to 10 acres, inclusive, in size.....	\$300	\$150	\$750
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Industrial or commercial facility, including any structure, that is more than 10 acres but less than 25 acres in size	600	300	750
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Industrial or commercial facility, including any structure, that is more than 25 acres in size	1,000	500	750
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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 limits for the discharge of pollutants set forth in the permit and not based upon the designed capacity of a facility.

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, that demonstrates that the payment of the fee in a lump sum would cause financial hardship to the holder of the permit.

~~9.~~ 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*

(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.