

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R138-06

July 3, 2006

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

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

A REGULATION relating to water pollution; revising provisions governing discharge permits relating to mining that are issued by the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Section 1. 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	Application	Fee for Annual Review and
Issued	Fee	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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
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
<p>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</p>		
Cooling water only	\$2,000	\$2,000

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
--------------------------	--------------------	--

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
--	---------	---------

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
-----------------------	-----------------	------------------------------------

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		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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

Type of Permit	Application Fee	Fee for Annual Review and Services
Issued		
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
Permitted			

DISCHARGE TO GROUNDWATER FROM THE DEWATERING OF A MINE

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

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
Less than 50,000 gallons of [process] <i>dewatering</i> water daily	625	315	1,500
50,000 gallons or more but less than 1,000,000 gallons of [process] <i>dewatering</i> water daily	875	440	2,000
1,000,000 gallons or more but less than 5,000,000 gallons of [process] <i>dewatering</i> water daily	1,000	500	2,500
5,000,000 gallons or more of [process] <i>dewatering</i> water daily	1,250	625	3,000

MINING

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

~~{Discharging}~~ *Physical separation*

facility discharging wash water

where *no* chemicals are ~~{not}~~ added

for metallurgical recovery \$500 \$500 \$250

~~{Chemically processing}~~ *Mining*

facility designed to chemically

process less than 18,250 tons per

year or a pilot ~~{or}~~ testing facility 500 500 250

~~{Chemically processing}~~ *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

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

~~[Chemically processing]~~ *Mining*

facility designed to chemically

process 36,500 tons per year or
more but less than 100,000 tons per
year.....

4,000	4,000	4,000
-------	-------	-------

~~[Chemically processing]~~ *Mining*

facility designed to chemically

process 100,000 tons per year or
more but less than 500,000 tons per
year.....

6,000	6,000	8,000
-------	-------	-------

~~[Chemically processing]~~ *Mining*

facility designed to chemically

process 500,000 tons per year or
more but less than 1,000,000 tons
per year.....

10,000	10,000	10,000
--------	--------	--------

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted 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	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.

↳ 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.