

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R137-24

August 23, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted-material] is material to be omitted. Matter in *green italics* is new after LCB draft, matter in ~~green-strikethrough~~ is omitted from LCB draft.

AUTHORITY: §§ 1 and 2, NRS 445A.425 and 445A.430; §§ 3, 6 and 8, NRS 44A.425, 445A.430 and 445A.465; §§ 4, 5 and 7, NRS 445A.425 and 445A.465.

A REGULATION relating to water; relocating and revising fees for certain discharge permits for mining facilities; revising fees for preapplication review of technical documents required to be submitted with certain applications for permits for mining facilities; revising fees for the modification of permits for mining facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires the State Environmental Commission to prescribe a schedule of reasonable fees for applications for permits relating to water pollution control to defray the costs of processing applications for permits and administering the program for reviewing applications and granting permits; and (2) authorizes the Commission to establish reasonable fees for the review of plans and specifications by the Director of the State Department of Conservation and Natural Resources and for services provided by the Division of Environmental Protection of the Department. (NRS 445A.430) Existing regulations prescribe fees for discharge permits, including fees for permits for discharge to groundwater from the dewatering of a mine and certain other permits relating to mining facilities. (NAC 445A.232) **Section 1** of this regulation reorganizes existing fees related to mining, other than fees relating to the monitoring of mining facilities during and after closure of such facilities, into a new section of the Nevada Administrative Code. **Sections 4, 5 and 7** of this regulation make conforming changes relating to the relocation of such fees.

Section 1 further revises such fees by prescribing fees for permits for a facility which: (1) discharges 5,000,000 gallons or more but less than 10,000,000 gallons of dewatering water daily; (2) discharges 10,000,000 gallons or more of dewatering water daily; (3) is permitted to process 5,000,000 tons per year or more but less than 10,000,000 tons per year; (4) is permitted to process 10,000,000 tons per year or more but less than 20,000,000 tons per year; (5) is permitted to process 20,000,000 tons per year or more but less than 40,000,000 tons per year; or (6) is permitted to process 40,000,000 tons per year or more. **Section 2** of this regulation removes fees for a permit: (1) to discharge cooling water to groundwater from the dewatering of a mine; and (2) for a physical separation facility discharging wash water where no chemicals are added for metallurgical recovery.

Existing regulations require a mining facility that has completed all physical closure activities and is undergoing source stabilization and being monitored to pay an application fee for the original permit and renewal of \$2,500 or the application fee for the type and processing rate of the mining facility, whichever is less, and a fee for annual review and services of \$5,000 or the annual fee for the type and processing rate of the facility, whichever is less. (NAC 445A.232) Existing regulations require a mining facility undergoing post-closure monitoring to pay application and renewal fees of \$250 and a fee of \$500 for annual review services. **Section 8** of this regulation relocates fees relating to the monitoring of mining facilities during and after the closure of such facilities and provides that: (1) the annual fee for monitoring of a mining facility that has completed all physical closure activities and is undergoing source stabilization is equal to one-half the appropriate renewal fee established pursuant to **section 1**; (2) the annual fee for post-closure monitoring is equal to one-fourth of the appropriate renewal fee established pursuant to **section 1**; and (3) if the facility was in post-closure monitoring before December 31, 2025, the fee is \$500 for the annual review and service fee and \$250 for the renewal fee for a permit.

Existing regulations set forth the process for preapplication review of any technical document that is required to be submitted with an application for a permit, major modification of an existing permit or renewal of an existing permit and requires as part of such process the payment of a nonrefundable fee of \$1,500. (NAC 445A.3915) **Section 3** of this regulation instead requires the payment of a nonrefundable fee equal to one-fourth of the appropriate renewal fee established pursuant to **section 1**.

Existing regulations prescribe fees for the modification of permits for mining facilities. Existing regulations provide that the fee: (1) for a minor modification to a permit for a mining facility is one-half the amount of the renewal fee for the permit, up to a maximum of \$5,000; and (2) for a modification to the engineering design of a mining facility which does not require new public notice is \$500. (NAC 445A.418) **Section 6** of this regulation increases: (1) the maximum possible fee for a minor modification to a permit for a mining facility from \$5,000 to \$10,000; and (2) the fee for a modification to the engineering design of a mining facility which does not require new public notice from \$500 to \$1,000.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

1. 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. Except as otherwise provided in subsection 3 and NAC 445A.446, the Director shall charge the following fees:

(a) *For an application fee for an original permit or renewal of permit beginning on January 1, 2025 and for a fee for annual review and services for the fiscal year beginning on July 1, 2025:*

<i>Type of Discharge</i>	<i>Application</i>	<i>Fee for</i>
<i>Permitted</i>	<i>Fee for</i>	<i>Annual</i>
	<i>Original</i>	<i>Review</i>
	<i>Permit or</i>	<i>and</i>
	<i>Renewal of</i>	<i>Services</i>
	<i>Permit</i>	

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

*Less than 50,000 gallons of
dewatering water daily \$2,500 \$2,500*

*50,000 gallons or more but less than 1,000,000
gallons of dewatering water daily 3,750 3,750*

*1,000,000 gallons or more but less than 5,000,000
gallons of dewatering water daily 5,000 5,000*

5,000,000 gallons or more but less than 10,000,000

gallons of dewatering water daily 7,500 7,500

10,000,000 gallons or more of

dewatering water daily 10,000 10,000

***MINING FOR MINING FACILITIES CHEMICALLY PROCESSING MATERIAL AND
MINING FACILITIES USING PHYSICAL SEPARATION FOR RECOVERY OF
MATERIAL OTHER THAN GOLD***

Mining facility permitted to process

less than 18,250 tons per year \$650 \$350

Mining facility permitted to process

18,250 tons per year or more

but less than 36,500 tons per year 2,000 2,600

Mining facility permitted to process

36,500 tons per year or more

but less than 100,000 tons per year 5,300 5,300

Mining facility permitted to process

100,000 tons per year or more

but less than 500,000 tons per year 8,000 10,500

Mining facility permitted to process

<i>500,000 tons per year or more</i>		
<i>but less than 1,000,000 tons per year</i>	<i>13,250</i>	<i>13,250</i>
 <i>Mining facility permitted to process</i>		
<i>1,000,000 tons per year or more</i>		
<i>but less than 2,000,000 tons per year</i>	<i>19,000</i>	<i>19,000</i>
 <i>Mining facility permitted to process</i>		
<i>2,000,000 tons per year or more</i>		
<i>but less than 5,000,000 tons per year</i>	<i>27,000</i>	<i>27,000</i>
 <i>Mining facility permitted to process</i>		
<i>5,000,000 tons per year or more</i>		
<i>but less than 10,000,000 tons per year</i>	<i>29,000</i>	<i>29,000</i>
 <i>Mining facility permitted to process</i>		
<i>10,000,000 tons per year or more</i>		
<i>but less than 20,000,000 tons per year</i>	<i>31,000</i>	<i>31,000</i>
 <i>Mining facility permitted to process</i>		
<i>20,000,000 tons per year or more</i>		
<i>but less than 40,000,000 tons per year</i>	<i>33,000</i>	<i>33,000</i>

Mining facility permitted to process

40,000,000 tons per year or more 35,000 35,000

FOR MINING FACILITIES USING PHYSICAL SEPARATION FOR RECOVERY OF GOLD

Mining facility permitted to process

less than 18,250 tons per year \$650 \$250

Mining facility permitted to process

18,250 tons per year or more

but less than 36,500 tons per year 650 300

Mining facility permitted to process

36,500 tons per year or more 650 300

(b) For an application fee for an original permit or renewal of permit beginning on July 1, 2026 and for a fee for annual review and services for the fiscal year beginning on July 1, 2026:

<i>Type of Discharge</i>	<i>Application</i>	<i>Fee for</i>
<i>Permitted</i>	<i>Fee for</i>	<i>Annual</i>
	<i>Original</i>	<i>Review</i>
	<i>Permit or</i>	<i>and</i>
	<i>Renewal of</i>	<i>Services</i>
	<i>Permit</i>	

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

<i>Less than 50,000 gallons of dewatering water daily</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>50,000 gallons or more but less than 1,000,000 gallons of dewatering water daily</i>	<i>7,500</i>	<i>7,500</i>
<i>1,000,000 gallons or more but less than 5,000,000 gallons of dewatering water daily</i>	<i>10,000</i>	<i>10,000</i>
<i>5,000,000 gallons or more but less than 10,000,000 gallons of dewatering water daily</i>	<i>15,000</i>	<i>15,000</i>
<i>10,000,000 gallons or more of dewatering water daily</i>	<i>20,000</i>	<i>20,000</i>

**~~MINING~~ FOR MINING FACILITIES CHEMICALLY PROCESSING MATERIAL AND
MINING FACILITIES USING PHYSICAL SEPARATION FOR RECOVERY OF
MATERIAL OTHER THAN GOLD**

<i>Mining facility permitted to process less than 18,250 tons per year.....</i>	<i>\$825</i>	<i>\$415</i>
---	--------------	--------------

Mining facility permitted to process

18,250 tons per year or more

but less than 36,500 tons per year 2,475 3,300

Mining facility permitted to process

36,500 tons per year or more

but less than 100,000 tons per year 6,600 6,600

Mining facility permitted to process

100,000 tons per year or more

but less than 500,000 tons per year 9,900 13,200

Mining facility permitted to process

500,000 tons per year or more

but less than 1,000,000 tons per year 16,500 16,500

Mining facility permitted to process

1,000,000 tons per year or more

but less than 2,000,000 tons per year 23,100 23,100

Mining facility permitted to process

2,000,000 tons per year or more

but less than 5,000,000 tons per year 33,000 33,000

Mining facility permitted to process

5,000,000 tons per year or more

but less than 10,000,000 tons per year 38,000 38,000

Mining facility permitted to process

10,000,000 tons per year or more

but less than 20,000,000 tons per year 42,000 42,000

Mining facility permitted to process

20,000,000 tons per year or more

but less than 40,000,000 tons per year 46,000 46,000

Mining facility permitted to process

40,000,000 tons per year or more

..... 50,000 50,000

FOR MINING FACILITIES USING PHYSICAL SEPARATION FOR RECOVERY OF GOLD

Mining facility permitted to process

less than 18,250 tons per year

..... \$825 \$415

Mining facility permitted to process

18,250 tons per year or more

but less than 36,500 tons per year 1,200 600

Mining facility permitted to process

36,500 tons per year or more 2,000 1,000

2. The fee for annual review and services must be:

(a) Submitted to the Division on or before July 1 of each year; and

(b) Paid in advance for the period of review that relates to the fiscal year following payment.

3. Except as otherwise provided by subsection 4, for the fiscal year beginning on July 1, 2027, and for each fiscal year thereafter, the Director shall increase each fee set forth in paragraph (b) of subsection 1 by 5 percent of the fee amount for the immediately preceding fiscal year. In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.

4. The Director may, during any fiscal year, suspend an increase in a fee.

5. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.

6. For the purposes of subsections 1 and 2, the tons per year that a mining facility is permitted to process is based on the maximum dry tonnage of the material processed for beneficiation that the mining facility is permitted to process.

7. As used in this section, “beneficiation” has the meaning ascribed to it in NAC 445A.353.

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

445A.232 1. ~~[Except as otherwise provided in subsection 2, a]~~ 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]~~ *Except as otherwise provided in subsections 6 and 8, the* Director shall charge the following fees:

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

DISCHARGE OF DOMESTIC
WASTEWATER

Less than 50,000 gallons daily	\$1,000	\$1,406
50,000 gallons or more but less than 250,000 gallons daily	1,500	2,109
250,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
500,000 gallons daily	2,000	2,812
500,000 gallons or more but less than		
1,000,000 gallons daily	3,000	4,219
1,000,000 gallons or more but less than		
2,000,000 gallons daily	4,000	5,626
2,000,000 gallons or more but less than		
5,000,000 gallons daily	6,000	8,438
5,000,000 gallons or more but less than		
10,000,000 gallons daily	10,000	14,066
10,000,000 gallons or more but less than		
20,000,000 gallons daily	10,000	28,132

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
20,000,000 gallons or more but less than 40,000,000 gallons daily	10,000	42,198
40,000,000 gallons or more daily.....	10,000	56,263
DISCHARGE OF RECLAIMED WATER OTHER THAN THROUGH A SPREADING BASIN		
Less than 50,000 gallons daily	\$750	\$1,055
50,000 gallons or more but less than 250,000 gallons daily	1,000	1,406
250,000 gallons or more but less than 500,000 gallons daily	1,250	1,758
500,000 gallons or more but less than		

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
1,000,000 gallons daily	1,500	2,109
1,000,000 gallons or more but less than		
10,000,000 gallons daily	2,000	2,812
10,000,000 gallons or more but less than		
20,000,000 gallons daily	2,500	3,516
20,000,000 gallons or more but less than		
40,000,000 gallons daily	3,000	4,219
40,000,000 gallons or more daily.....	3,500	4,923
DISCHARGE OF RECLAIMED WATER THROUGH A SPREADING BASIN		
Less than 10,000,000 gallons daily	\$10,000	\$14,066

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
10,000,000 gallons or more but less than 20,000,000 gallons daily	10,000	28,132
20,000,000 gallons or more but less than 40,000,000 gallons daily	10,000	42,198
40,000,000 gallons or more daily.....	10,000	56,263

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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
Cooling water only	\$2,000	\$2,812
Less than 50,000 gallons of process water daily	2,500	3,516
50,000 gallons or more but less than 250,000 gallons of process water daily	3,000	4,219
250,000 gallons or more but less than 500,000 gallons of process water daily	4,000	5,626
500,000 gallons or more but less than 1,000,000 gallons of process water daily	5,000	7,032
1,000,000 gallons or more but less than 2,000,000 gallons of process water daily	6,000	8,438

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 of process water daily	8,000	11,252
5,000,000 gallons or more but less than 10,000,000 gallons of process water daily	10,000	14,066
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily	10,000	28,132
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily	10,000	42,198
40,000,000 gallons or more of process water daily	10,000	56,263

DISCHARGE FROM A TREATMENT

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

PLANT FOR DRINKING WATER

Intermittent discharge of less than 100,000 gallons daily	\$500	\$703
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily	750	1,055
Intermittent discharge of 1,000,000 gallons or more daily.....	1,000	1,406
Routine discharge of less than 100,000 gallons daily	500	703
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily	750	1,055

Type of Permit	Application	Fee for Annual Review and
Issued	Fee	Services
Routine discharge of 1,000,000 gallons or more daily	1,000	1,406
 DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL FEEDING OPERATION		
Less than 100,000 gallons daily	\$1,500	\$2,109
100,000 gallons or more but less than 500,000 gallons daily	2,000	2,812
500,000 gallons or more daily.....	2,500	3,516
 PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION THAT DOES NOT DISCHARGE		

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

WASTEWATER

Area of a holding facility that is less than 10 acres.....	\$1,500	\$2,109
--	---------	---------

Area of a holding facility that is 10 acres or more but less than 20 acres	2,000	2,812
---	-------	-------

Area of a holding facility that is 20 acres or more	2,500	3,516
--	-------	-------

DISCHARGE FROM A FISH

HATCHERY

Less than 500,000 gallons daily	\$750	\$1,055
---------------------------------------	-------	---------

500,000 gallons or more but less than 2,500,000 gallons daily	1,000	1,406
--	-------	-------

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
2,500,000 gallons or more daily.....	1,500	2,109
 OTHER PERMITTED DISCHARGES		
Less than 50,000 gallons daily	\$1,000	\$1,406
50,000 gallons or more but less than 250,000 gallons daily	1,500	2,109
250,000 gallons or more but less than 500,000 gallons daily	3,000	4,219
500,000 gallons or more but less than 1,000,000 gallons daily	5,000	7,302
1,000,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
10,000,000 gallons daily	10,000	14,066
10,000,000 gallons or more but less than 35,000,000 gallons daily	10,000	28,132
35,000,000 gallons or more daily.....	10,000	42,198
REUSE OF SEWAGE SLUDGE		
Less than 20,000 cubic yards per year	\$1,500	\$2,109
20,000 cubic yards or more per year.....	3,000	4,219
REUSE OF DOMESTIC SEPTAGE.....		
	\$1,000	\$1,406

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
DISCHARGE FROM A		
RECREATIONAL LAKE	\$5,000	\$7,032
TEMPORARY PERMIT	\$350	Not Applicable

2. ~~Except as otherwise provided in this subsection, a~~ 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~~ *Except as otherwise provided in subsections 6 and 8, 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
-----------------------------	-------------------------------------	---------------------------------------	------------------------------------

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

~~[DISCHARGE TO
GROUNDWATER FROM THE
DEWATERING OF A MINE~~

Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of dewatering water daily	625	315	1,500
50,000 gallons or more but less than 1,000,000 gallons of dewatering water daily	875	440	2,000
1,000,000 gallons or more but less than 5,000,000 gallons of dewatering water daily	1,000	500	2,500
5,000,000 gallons or more of			

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

dewatering water daily	1,250	625	3,000
------------------------------	-------	-----	-------

~~MINING~~

Physical separation facility discharging wash water where no chemicals are added for metallurgical recovery	500	500	250
--	----------------	----------------	----------------

Mining facility designed to chemically process less than 18,250 tons per year	500	500	250
--	----------------	----------------	----------------

Mining facility designed to chemically process 18,250 tons per year or more but less than			
--	--	--	--

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

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

~~1,000,000 tons per year.....10,000 10,000 10,000~~

~~Mining facility designed
to chemically process
1,000,000 tons per year
or more but less than~~

~~2,000,000 tons per year.....14,000 14,000 14,000~~

~~Mining facility designed
to chemically process~~

~~2,000,000 tons per year or more-20,000 20,000 20,000~~

~~Monitoring of mining facility that
has completed all physical closure
activities and is undergoing source~~

~~stabilization2,500 or the 2,500 or the 5,000 or the
application fee application fee annual fee
for the type for the type and for the type~~

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

~~and processing rate of the mining facility permitted, whichever is less~~

~~processing rate of the mining facility permitted, whichever is less~~

~~and processing rate of the mining facility permitted, whichever is less~~

~~Post-closure monitoring of mining facility 250 250 500]~~

RUNOFF OF STORM WATER

Industrial or commercial facility,

including any structure,	Application	Application	Fee for
that is 5 acres to 10 acres,	Fee for	Fee for	Annual
inclusive, in size.....	\$300	\$150	\$750

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
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.....	1,200	1,200	1,200
Municipality whose population is more than 250,000	2,000	2,000	2,000

3. ~~[A]~~ *Except as otherwise provided in subsection 8, a* nonrefundable application fee of \$150 must accompany each application for a minor modification made pursuant to NAC 445A.263.

4. 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.

5. 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.

6. 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.

7. 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.

8. For the fiscal year beginning on July 1, 2024, and for the fiscal year beginning on July 1, 2025, the Director shall increase each fee for the annual review and services set forth in subsection 1 by 10.33 percent of the fee for the immediately preceding fiscal year. For the fiscal year beginning on July 1, 2026, and for each fiscal year thereafter, the Director shall increase each of the following fees by 3 percent of the fee for the immediately preceding fiscal year:

- (a) Each application fee set forth in subsections 1 and 3;
- (b) Each fee for the annual review and services set forth in subsection 1;

(c) Each application fee for an original permit that applies to a discharge of runoff of storm water set forth in subsection 2;

(d) Each application fee for the renewal of a permit that applies to a discharge of runoff of storm water set forth in subsection 2;

(e) Each fee for the annual review and services that applies to a discharge of runoff of storm water set forth in subsection 2; and

(f) Each fee for a minor modification set forth in subsection 3.

↪ In establishing any fee pursuant to this subsection, the Director shall round to the nearest dollar.

9. The Director may, during any fiscal year, suspend an increase in a fee.

10. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.

11. 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.

12. 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.3915 is hereby amended to read as follows:

445A.3915 1. Before submitting an application for a permit or major modification of an existing permit pursuant to NAC 445A.394 or an application to renew an existing permit pursuant to NAC 445A.420, a person may submit to the Department for preapplication review any technical document that is required to be submitted with the application pursuant to NAC 445A.394 to 445A.398, inclusive, as determined by the Department.

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

(a) A statement identifying the submission as a request for preapplication review of the document;

(b) The name, location and mailing address of the facility, owner, operator and authorized agent;

(c) The name of the owner of the land or mining claim or claims on which the facility is or will be located, as applicable;

(d) The rate at which the facility is or will be chemically processing ore in tons of ore per year, as applicable; and

(e) A nonrefundable fee ~~of \$1,500~~ *equal to one-quarter of the appropriate renewal fee for the permit established pursuant to section 1 of this regulation, up to a maximum of \$5,000*, for the document, which includes the Department's review of any supplemental information or subsequent revisions made to the document.

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

Sec. 4. NAC 445A.392 is hereby amended to read as follows:

445A.392 1. Except as otherwise provided in subsection 2, a person wishing to construct or modify materially a process component at a facility must file an application for a permit pursuant to NAC 445A.394.

2. Persons wishing to construct a placer mining facility or other facility which relies solely on physical separation methods to process ore may file an abbreviated application for a permit pursuant to NAC 445A.414. The application must be accompanied by the appropriate fee as required by ~~[NAC 445A.232.]~~ *section 1 of this regulation.*

Sec. 5. NAC 445A.394 is hereby amended to read as follows:

445A.394 1. To obtain a permit to construct, operate and close permanently a facility, the owner or operator of the proposed facility or the designated agent of the owner or operator must submit to the Department a written application signed by the owner or, if the owner does not operate the facility, the operator of the facility or his or her designated agent. The application must be accompanied by the appropriate fee established pursuant to ~~[NAC 445A.232.]~~ *section 1 of this regulation.*

2. An application for a permit must contain:

(a) The name, location and mailing address of the:

(1) Facility.

(2) Owner.

(3) Operator.

(4) Authorized agent.

(b) The legal structure of the applicant, including, but not limited to, whether the applicant is a sole proprietorship, partnership or corporation.

(c) The name of the owner of the land or mining claim or claims on which the facility will be located.

(d) Documentation that notice of the proposed development has been provided to the local board of county commissioners.

(e) The rate at which the facility is anticipated to be chemically processing ore in tons of ore per year.

(f) An assessment of the area of review as required by NAC 445A.395.

(g) A meteorological report as required by NAC 445A.396.

(h) An engineering design report as required by NAC 445A.397.

(i) A copy of the draft operating plans for the facility as required by NAC 445A.398.

(j) A report of the sample analysis as required by NAC 445A.396.

3. New applications or requests for major modifications to existing permits must be submitted to the Department at least 165 days before the date on which the applicant wishes to initiate construction.

Sec. 6. NAC 445A.418 is hereby amended to read as follows:

445A.418 1. The fee for a minor modification to a permit described in NAC 445A.416 is one-half the amount of the renewal fee for a permit, up to a maximum fee of ~~[\$5,000.]~~ **\$10,000.**

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

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

Sec. 7. NAC 445A.420 is hereby amended to read as follows:

445A.420 1. A permit may be renewed by the Department if the holder of the permit submits an application to renew the permit. The application must:

- (a) Be filed at least 120 days before the expiration of the existing permit;
- (b) Include the renewal fee required by ~~[NAC 445A.232;]~~ *section 1 of this regulation*;
- (c) Include the name, location and mailing address of the facility, owner, operator and authorized agent;
- (d) Include the legal structure of the applicant, including, without limitation, whether the applicant is a sole proprietorship, partnership or corporation;
- (e) Include the name of the owner of the land or mining claim or claims on which the facility is located;
- (f) Include documentation that notice of the development has been provided to the local board of county commissioners;
- (g) Include the rate at which the facility chemically processes ore in tons of ore per year; and
- (h) Include any new information to update information previously submitted to the Department, including, without limitation, any information previously submitted to the Department pursuant to this section or NAC 445A.394, 445A.414 or 445A.427.

2. A permit for a facility which is inactive because of an unplanned closure may be renewed once if the holder of the permit demonstrates that the conditions under which the permit was issued will continue and the design life of the process components will not be exceeded.

3. If the Department has not issued a new permit as of the expiration of the existing permit, the holder of the permit may continue to operate the facility pursuant to the terms and conditions of the existing permit until a new permit is issued by the Department.

Sec. 8. NAC 445A.446 is hereby amended to read as follows:

445A.446 1. The permanent closure of a facility or a source at a facility, as applicable, must be initiated:

- (a) Following the request of the holder of the permit;
- (b) For a facility which is under a temporary closure, no later than at the end of one renewal of a 5-year permit which has been issued pursuant to subsection 2 of NAC 445A.420;
- (c) When the end of the design life of that process component is reached; or
- (d) For an underground mine, and any source therein, which has the potential to degrade the waters of the State, before the elimination of safe access to the mine.

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

3. *The holder of the permit of a facility that has completed all physical closure activities and is undergoing source stabilization must pay an annual fee that is equal to one-half the appropriate renewal fee for that facility established pursuant to section 1 of this regulation. As used in this subsection, “undergoing source stabilization” means the period of time during which the facility is waiting for the groundwater table to stabilize and equilibrate.*

4. The time required for post-closure monitoring depends upon the particular site and process characteristics, but, except as otherwise provided in subsection ~~4.~~ 5, the time required must not exceed 30 years. *Except as otherwise provided in this subsection, the holder of the permit of a facility must pay an annual fee for post-closure monitoring that is equal to one-quarter of the appropriate renewal fee for that facility established pursuant to section 1 of this regulation. If the facility was in post-closure monitoring before December 31, 2025, then the*

holder of the permit must pay an annual review and services fee of \$500 and a renewal fee of \$250.

~~[4.]~~ 5. If the Department determines that chemical stabilization, source removal or mitigation has not been achieved during the post-closure monitoring period, the Department shall require the holder of the permit to take additional actions to achieve the necessary chemical stabilization, source removal or mitigation. After such actions have been taken, the Department shall require an additional period of time for post-closure monitoring. The time required for this additional period of post-closure monitoring must not exceed 30 years.