

“e” means the base of the natural log or 2.718.

“t” means the time measured in days.

“k” means the decay constant.

2. After any remediation is terminated pursuant to subsection 1, the owner or operator shall ensure that any contaminated groundwater is monitored for not less than 1 year to determine the level of contamination in the groundwater. The Division shall determine the frequency of any monitoring required pursuant to this subsection, except that the Division shall not require monitoring more frequently than once each month.

(Added to NAC by Environmental Comm’n, eff. 10-3-96; A by R189-08, 8-25-2009)

NAC 445A.2275 Contamination of surface water. (NRS 445A.425)

1. The Director may require an owner or operator to take corrective action if the release of a hazardous substance, hazardous waste or a regulated substance contaminates surface water and the level of contamination exceeds the action level established for the water pursuant to subsection 2.

2. For the purposes of subsection 1, the action levels and remediation standards for surface water must conform to the standards for water quality set forth in [NAC 445A.120](#), [445A.121](#), [445A.122](#) and [445A.1236](#).

3. An owner or operator who is required to take corrective action pursuant to this section shall submit to the Division a plan and schedule for completing the corrective action. The owner or operator shall not take any corrective action until the plan and schedule are approved by the Division.

(Added to NAC by Environmental Comm’n, eff. 10-3-96)

NAC 445A.22755 Public hearings regarding corrective action affecting more than one owner or operator. (NRS 445A.425) The Administrator may hold such hearings as he or she deems necessary to obtain public testimony regarding any corrective action required to be taken pursuant to [NAC 445A.226](#) to [445A.2275](#), inclusive, which affects more than one owner or operator or members of the general public.

(Added to NAC by Environmental Comm’n, eff. 10-3-96; A by R189-08, 8-25-2009)

Discharge Permits

NAC 445A.228 Requirement; exemptions. (NRS 445A.425, 445A.465)

1. Except as otherwise provided in subsection 2, a person shall not discharge a pollutant from a point source into any waters of the State without obtaining a permit from the Department.

2. Although not exempted from complying with all other applicable laws, rules and regulations regarding pollution, the following are specifically exempted from the requirements to obtain a permit:

(a) Persons utilizing an individual sewage disposal system or other sewage disposal system that uses a soil absorption system for the treatment and disposal of domestic wastes, if the system is approved and is installed, operated and maintained in accordance with the rules and regulations and other requirements of the district health departments, the State Board of Health or the Division or other administrative authority, as authorized by [NAC 445A.950](#) to [445A.9706](#), inclusive, as applicable. This exemption does not preclude the possibility that health authorities, the Division or other administrative authority will require permits.

(b) Except as otherwise provided in this paragraph, persons discharging pollutants into a publicly owned or privately owned sewerage system, if the owner of such sewerage system has a valid permit from the Department. In such cases, the owner of the sewerage system assumes ultimate responsibility for controlling and treating the pollutants which he or she allows to be discharged into the system. The Department may require an industrial user who discharges pollutants into a publicly owned treatment works which does not have an approved pretreatment program to obtain a permit pursuant to [NAC 445A.257](#).

(c) Discharges of pollutants from agricultural and silvicultural activities, including, without limitation, irrigation return flow and runoff from orchards, cultivated crops, pastures, rangelands and forest lands, except that this exemption does not apply to the following:

(1) Discharges from facilities in which crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season and that confine animals if the facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, any of the following types of animals at or in excess of the number listed for each type of animal:

(I) Cattle, veal calves or a pair consisting of a cow and a calf, 1,000;

(II) Mature dairy cattle (whether milkers or dry cows), 700;

(III) Swine weighing over 55 pounds, 2,500;

(IV) Swine weighing 55 pounds or less, 10,000;

(V) Horses, 500;

(VI) Sheep or lambs, 10,000;

(VII) Turkeys, 55,000;

(VIII) Chickens, if the animal confinement facility has a liquid manure handling system, 30,000;

(IX) Chickens, other than laying hens, if the animal confinement facility does not have a liquid manure handling system, 125,000;

(X) Laying hens, if the animal confinement facility does not have a liquid manure handling system, 82,000;

(XI) Ducks, if the animal confinement facility has a liquid manure handling system, 5,000; or

(XII) Ducks, if the animal confinement facility does not have a liquid manure handling system, 30,000.

(2) Discharges from production facilities for aquatic animals.

(3) Discharges of irrigation return flow, such as tailwater, tile drainage, surfaced groundwater flow or bypass water, operated by public or private organizations or natural persons if the source of water is effluent from a treatment works.

(4) Discharges from any agricultural or silvicultural activity which have been identified by the Administrator or the Director as a significant contributor of pollution.

[Environmental Comm’n, Water Pollution Control Reg. §§ 2.2.1.1-2.2.1.1.3.5, eff. 5-2-78]—(NAC A 12-3-84; R020-99, 9-27-99; R079-04, 10-13-2004; R194-07, 8-26-2008)

NAC 445A.229 Issuance of permit prohibited in certain cases. ([NRS 445A.425](#), [445A.465](#), [445A.490](#)) In addition to the cases enumerated in [NRS 445A.490](#), no permit may be issued which authorizes any discharge into any waters of the State:

1. Which the Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage and navigation of navigable waters; or
2. To which the Regional Administrator objects in writing pursuant to § 402(d) of the Act.

[Environmental Comm’n, Water Pollution Control Reg. § 2.4.1, eff. 5-2-78; A 12-20-79; §§ 2.4.1.4 & 2.4.1.5, eff. 5-2-78]—(Substituted in revision for NAC 445.141)

NAC 445A.230 Application for permit. ([NRS 445A.425](#), [445A.465](#))

1. Except as otherwise provided in subsection 2, any person wishing to commence future discharges of pollutants must file a complete permit application on forms provided by the Department, not less than 180 days in advance of the date on which the person desires to commence the discharge of pollutants, unless the Department has granted permission for a later date.

2. The owner of a facility described in subparagraph (4) of paragraph (c) of subsection 2 of [NAC 445A.228](#) must file a complete permit application on forms provided by the Department not later than 90 days after receiving notification of having been identified by the Administrator or the Director as a significant contributor of pollution.

3. The Director:
 - (a) May require the submission of additional information after a permit application has been filed; and
 - (b) Shall ensure that if a permit application is incomplete or otherwise deficient, processing of the application is not completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency.

4. If, upon review of an application, the Department determines that a permit is not required, the Department shall notify the applicant in writing of this determination. The notification constitutes final action by the Department on the application.

[Environmental Comm’n, Water Pollution Control Reg. §§ 2.2.2.1-2.2.2.3 & 2.2.4, eff. 5-2-78; § 3.2.1, eff. 2-26-75]—(NAC A by R020-99, 9-27-99; R079-04, 10-13-2004)

NAC 445A.231 Signatures required on application, reporting forms and discharge monitoring report. ([NRS 445A.425](#), [445A.465](#))

1. Except as otherwise provided in subsection 3, application and reporting forms submitted to the Department must be signed by:

- (a) A principal executive officer of the corporation (of at least the level of vice president) or his or her authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates.
- (b) A general partner of the partnership.
- (c) The proprietor of the sole proprietorship.
- (d) A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.

2. Each application must contain a certification by the person signing the application that the person is familiar with the information provided, that to the best of his or her knowledge and belief the information is complete and accurate and that he or she has the authority to sign and execute the application.

3. A discharge monitoring report must be signed by the senior certified operator of the facility from which the discharge described in the report originates or the person directly responsible for operating the facility.

[Environmental Comm’n, Water Pollution Control Reg. §§ 2.2.3-2.2.3.5, eff. 5-2-78]—(NAC A by R020-99, 9-27-99)

NAC 445A.232 Fees; petition for payment plan. ([NRS 445A.425](#), [445A.430](#))

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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
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 RECLAIMED WATER OTHER THAN THROUGH A SPREADING BASIN		
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 OF RECLAIMED WATER		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
THROUGH A SPREADING BASIN		
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 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		
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		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
water daily.....	10,000	40,000
DISCHARGE FROM A TREATMENT PLANT FOR DRINKING WATER		
Intermittent discharge of less than 100,000 gallons daily.....	\$500	\$500
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	750
Intermittent discharge of 1,000,000 gallons or more daily.....	1,000	1,000
Routine discharge of less than 100,000 gallons daily.....	500	500
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily.....	750	750
Routine discharge of 1,000,000 gallons or more daily.....	1,000	1,000
DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL FEEDING OPERATION		
Less than 100,000 gallons daily.....	\$1,500	\$1,500
100,000 gallons or more but less than 500,000 gallons daily.....	2,000	2,000
500,000 gallons or more daily.....	2,500	2,500
PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION THAT DOES NOT DISCHARGE WASTEWATER		
Area of a holding facility that is less than 10 acres.....	\$1,500	\$1,500
Area of a holding facility that is 10 acres or more but less than 20 acres.....	2,000	2,000
Area of a holding facility that is 20 acres or 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

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
2,500,000 gallons or more daily.....	1,500	1,500
OTHER PERMITTED DISCHARGES		
Less than 50,000 gallons daily.....	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily.....	1,500	1,500
250,000 gallons or more but less than 500,000 gallons daily.....	3,000	3,000
500,000 gallons or more but less than 1,000,000 gallons daily.....	5,000	5,000
1,000,000 gallons or more but less than 10,000,000 gallons daily.....	10,000	10,000
10,000,000 gallons or more but less than 35,000,000 gallons daily.....	10,000	20,000
35,000,000 gallons or more daily.....	10,000	30,000
REUSE OF SEWAGE SLUDGE		
Less than 20,000 cubic yards per year.....	\$1,500	\$1,500
20,000 cubic yards or more per year.....	3,000	3,000
REUSE OF DOMESTIC SEPTAGE.....	\$1,000	\$1,000
DISCHARGE FROM A RECREATIONAL LAKE.....	\$5,000	\$5,000
TEMPORARY PERMIT.....	\$250	Not Applicable

2. Except as otherwise provided in this subsection and subsection 7, a nonrefundable application fee must accompany each original application for a permit and each application to renew a permit for the discharges set forth in this subsection that is submitted to or required by the Director. The Director shall charge the following fees:

Type of Discharge Permitted	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

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

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
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 stabilization.....	2,500 or the application fee for the type and processing rate of the mining facility permitted, whichever is less	2,500 or the application fee for the type and processing rate of the mining facility permitted, whichever is less	5,000 or the annual fee for the type 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, 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.

[Environmental Comm'n, Water Pollution Control Reg. §§ 2.2.5-2.2.5.2, eff. 5-2-78]—(NAC A 12-3-84; 7-22-87; 9-1-89; 9-19-90; 9-25-90; 9-13-91; 3-27-92; 10-29-97, eff. 7-1-2001; R206-99, 1-26-2000, eff. 7-1-2001; R063-04, 10-6-2004; R138-06, 9-18-2006; R101-16, 12-21-2016; R018-20, 8-26-2020)

NAC 445A.233 Determination of application prior to public notice. ([NRS 445A.425](#), [445A.465](#))

1. The Department shall formulate and prepare tentative determinations regarding permit applications in advance of public notice of the proposed issuance or denial of the permit. The tentative determinations must include at least the following:

- (a) A proposed determination to issue or deny a permit for the discharge described in the application; and
- (b) If the determination proposed in paragraph (a) is to issue the permit, the following additional tentative determinations must be made:

(1) The proposed effluent limitations, identified pursuant to [NAC 445A.243](#), for those pollutants proposed to be limited;

(2) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations, identified pursuant to [NAC 445A.244](#); and

(3) A brief description of any other proposed special conditions, apart from those required in [NAC 445A.229](#), [445A.243](#), [445A.244](#), [445A.245](#), [445A.247](#), [445A.256](#) to [445A.259](#), inclusive, and [445A.262](#), which will have a significant impact upon the discharge described in the application.

2. The Director shall organize the tentative determinations prepared pursuant to subsection 1 into a draft permit.

[Environmental Comm'n, Water Pollution Control Reg. §§ 4.1.1-4.1.2, eff. 2-26-75]—(Substituted in revision for NAC 445.145)

NAC 445A.234 Public notice regarding permit; contents. ([NRS 445A.425](#), [445A.465](#), [445A.590](#))

1. Public notice of every complete application for a discharge permit, except for a temporary permit or a permit for pretreatment discharge or the poisoning of trash fish, must be:

- (a) Unless otherwise required by federal law, published on an Internet website designed to give general public notice; and
- (b) Mailed to any person or group on the mailing list maintained by the Department or upon request.

2. The Director shall add the name of any person or group upon request to a mailing list to receive copies of notices for permit applications.

3. The Director shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the application. All written comments submitted during the 30-day comment period must be retained by the Director and considered in the formulation of his or her final determinations with respect to the permit application. The period for comment may be extended at the Director's discretion.

4. The contents of the public notice of applications for permit must include at least the following:

- (a) The name, address and phone number of the Department;
- (b) The name and address of each applicant;
- (c) A brief description of each applicant's activities or operations which result in the discharge described in the application, for example, municipal waste treatment plant, steel manufacturing or drainage from mining activities;
- (d) The name of the waterway to which each discharge is made and a short description of the location of each discharge on the waterway, indicating whether such discharge is existing or new;
- (e) A statement of the tentative determination to issue or deny a permit for the discharge described in the application;
- (f) A brief description of the procedures for the formulation of final determinations including the required 30-day comment period and any other means by which interested persons may influence or comment upon those determinations; and
- (g) The address and phone number of the premises at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to subsection 2 of [NAC 445A.233](#), request a copy of the fact sheet and inspect and copy relevant forms and documents.

[Environmental Comm'n, Water Pollution Control Reg. § 2.3.1, eff. 5-2-78; §§ 4.2.1-4.2.3.7, eff. 2-26-75]—(NAC A 12-3-84; R020-99, 9-27-99; R186-18, 1-30-2019)