

SUBCHAPTER 10. PERMIT AND VARIANCE FEES

§ 1001 Applicability

The provisions of this subchapter shall apply to the owner or operator of each source required by the ~~NNPDES Act~~ NNCWA and these regulations as are necessary to implement the fee schedule established herein.

§ 1002 Fees

(a) Any owner or operator who submits an application for a discharge or sludge permit or modification, an industrial user subject to a control mechanism issued by Navajo EPA, or is covered by a general permit, shall be assessed a permit fee in accordance with the provisions set forth in § 1003.

(b) Any owner or operator who submits an application for a variance shall include with the application a filing fee in the amount of the variance fee in § 1005.

(c) A fee is not refundable if a discharge or sludge permit, industrial user control mechanism, general permit coverage, or variance application to which it is related is denied or withdrawn.

§ 1003 Permit Fees

(a) (1) Every owner or operator who is issued a discharge or sludge permit, is covered by a general permit, or is an industrial user subject to a control mechanism issued by Navajo EPA shall be assessed a permit fee in accordance with the provisions set forth in this subchapter.

(2) The applicant shall submit the permit fee, as specified in (b) of this section, with the application. The application will be processed by the Director upon receipt of the fee. Failure by the applicant to pay the assessed permit fee on or before the due date shall result in forfeiture of the fee and denial of the permit. Failure of the owner or operator, if exercising the option to pay the fee on an annual basis as provided in § 1003(b)(2), shall be a basis for termination of the permit.

(3) Facilities which fall into multiple categories shall be assessed the highest fee.

(b) Each permit fee will be determined by the provisions in paragraph (1) of this subsection, unless the applicant had indicated that it desires to pay the permit fee on a pro-rata annual basis as provided in paragraph (2) of this subsection or has submitted an application for a reduced fee as provided in paragraph (3) of this subsection.

(1) **Permit fee.** The permit fee for a permit for any point source water pollutant, industrial user activity regulated by Navajo EPA, or sludge activity shall depend on the type of wastewater treatment unit or facility and the required permit action. The amount of the permit fee will be assessed according to the following schedule:

Facility Category	1st Issuance and renewals
	New and Existing Facilities
Major Industrial	\$14,900
Major Municipal	9,000
Modification of Major Permit	
- Industrial	1,400
- Municipal	1,100

Minor Industrial (including federal facility) Permit	2,600
Minor Municipal Permit	1,900
Modification of Minor Permit	
- Industrial	300
- Municipal	200
Sludge Only	3,000
Industrial User Control Mechanism	2,600
General Permits	
- Storm Water	300
- Other Discharging	300
- Infrequent Discharger	200
Septage Hauler (per company; 5 year period)	300

(2) Permit fee on an Annual Basis. The owner or operator may pay the permit fee on an annual basis. In that event, the first year's fee is due upon the due date of the permit application, and each subsequent fee is due on the anniversary date of the effective date of the permit.

(3) Reduction of Fee. Any owner or operator (except for a major industrial or municipal facility), may request the Director reduce the permit fee to one-half of the established fee upon a showing of the owner or operator that the full permit fee would cause a severe economic hardship. The request for reduction of fee may be submitted with the permit application, along with the amount of the reduced fee. If the request is denied, the Director shall bill the applicant for the remaining portion of the fee, which shall be due 30 days after date of receipt of the request by the Director.

(c) The provisions of this section will apply with respect to fees for permits or other control mechanisms of less than five (5) years, except that the fee as determined will be multiplied by the ratio length of time covered by the short term permit to five (5) years.

§ 1004 Duplication Permit Fees

Upon application of the issuance of a duplicate permit, the duplicate permit shall be issued by the Director upon receipt of a \$50 fee.

§ 1005 Variance Fee

(a) Every owner or operator who applies for a variance shall be assessed a variance fee in accordance with the provisions set forth below. Variance fees are due and payable upon application for the variance and cannot be paid on an annual basis.

	1st Issuance and renewals
Facility Category	New and Existing Facilities
Variance (either major or minor permit) or Industrial User	
- Industrial	\$1,400
- Municipal	1,100

(b) Reduction of Fee. Any owner or operator (except for a major industrial or municipal facility), may request the Director reduce the variance fee to one-half of the established fee upon a showing of the owner or operator that the full permit fee would cause a severe economic hardship. The request for reduction of fee may be submitted with the permit application, along with the amount of the reduced fee. If the request is denied, the Director shall bill the applicant for the remaining portion of the fee, which shall be due 30 days after date of receipt of the request by the Director.

§ 1006 Terms of Payment

(a) Payment of a discharge permit, sludge permit, general permit, industrial user, variance fee, or a duplicate permit fee, as the case may be, shall be made upon application and/or within thirty (30) days of the billing date.

(b) All fees shall be made by certified check or money order made payable to the Director of Navajo EPA. If payment is mailed, it should be sent by certified mail.

§ 1007 Date of Applicability

The provisions of this Subsection shall become effective upon the date of authorization by USEPA of the NNPDES program; to the extent a facility is in a portion of the Navajo Nation for which USEPA may not grant program authorization, the fees will still be applicable to that facility.