

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R087-00

June 2, 2000

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

AUTHORITY: §§1-3, NRS 459.3824 and 459.3833.

Section 1. NAC 459.95334 is hereby amended to read as follows:

459.95334 1. An owner or operator shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 3; and

(b) A graduated fee that is established pursuant to subsection 4.

3. The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is:

(a) If the facility has a process that is subject to the tier A program or tier B program level 3, ~~[\$3,100.]~~ *\$3,600.*

(b) If the facility has a process that is subject to the tier B program level 2 and no process that is subject to the tier A program or tier B program level 3, \$2,000.

(c) If the facility has a process that is subject to the tier B program level 1 and no process that is subject to the tier A program or tier B program level 2 or 3, \$250.

4. The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is ~~[\$10.50]~~ \$18 per unit of substance at a facility. A unit of substance is the greater of:

(a) The total amount of a tier A substance that is present at a facility divided by the tier A threshold quantity for the substance that is listed in NAC 459.9533; or

(b) The total amount of a tier B substance that is present at a facility divided by the tier B threshold quantity for the substance that is listed in NAC 459.9533.

Sec. 2. NAC 459.95334 is hereby amended to read as follows:

459.95334 1. An owner or operator shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 3; and

(b) A graduated fee that is established pursuant to subsection 4.

3. The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is:

(a) If the facility has a process that is subject to the tier A program or tier B program level 3, ~~[\$3,600.]~~ \$4,100.

(b) If the facility has a process that is subject to the tier B program level 2 and no process that is subject to the tier A program or tier B program level 3, \$2,000.

(c) If the facility has a process that is subject to the tier B program level 1 and no process that is subject to the tier A program or tier B program level 2 or 3, \$250.

4. The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is ~~[\$18]~~ \$23 per unit of substance at a facility. A unit of substance is the greater of:

(a) The total amount of a tier A substance that is present at a facility divided by the tier A threshold quantity for the substance that is listed in NAC 459.9533; or

(b) The total amount of a tier B substance that is present at a facility divided by the tier B threshold quantity for the substance that is listed in NAC 459.9533.

Sec. 3. 1. This section and section 1 of this regulation become effective upon filing with the secretary of state.

2. Section 2 of this regulation becomes effective on July 1, 2001.