

**LCB File No. R064-03**

**PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION**

(This proposed regulation was previously adopted as LCB File No. T040-03)

**Petition 2003-03**

Explanation: Matter in *bold italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

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AUTHORITY: NRS 445B.210.

**Section 1.** NAC 445B.281 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, any violation of the provisions of those sections is classified as a major violation, and a fine up to \$10,000 per day per violation may be levied.

2. For Class II and Class III sources, violations of NAC 445B.22037, 445B.22067, 445B.2207, 445B.22087, subsections 3 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265, paragraph (e) of subsection 1 of NAC 445B.275 and NAC 445B.331 are classified as minor or lesser violations, unless there are four or more violations of any one of those sections by a person, occurring within a period of 60 consecutive months.

3. The schedule of fines for minor violations is as follows:

	First Offense	Second Offense	Third Offense
NAC 445B.22037, fugitive dust.....	<del>[\$125]</del> <i>\$250</i>	<del>[\$250]</del> <i>\$500</i>	<del>[\$500]</del> <i>\$1000</i>
NAC 445B.22067, open burning.....	<del>[50]</del> <i>\$250</i>	<del>[100]</del> <i>\$500</i>	<del>[200]</del> <i>\$750</i>
NAC 445B.2207, incinerator burning <del>f</del>	<del>[50]</del>	<del>[100]</del>	<del>[200]</del>

	First Offense	Second Offense	Third Offense
<del>equal to or less than 25 lbs per hour .....</del>	<del>\$250</del>	<del>\$500</del>	<del>\$750</del>
<del>[greater than 25 lbs per hour] .....</del>	<del>{50}</del>	<del>{100}</del>	<del>{200}</del>
	<del>[\$100]</del>	<del>[\$200]</del>	<del>[\$400]</del>
NAC 445B.22087, odors .....	\$250	\$500	\$750
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions .....	<del>{125}</del>	<del>{250}</del>	<del>{500}</del>
	\$250	\$500	\$750
Subsection 8 of NAC 445B.252, testing and sampling reporting .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	\$250	\$500	\$750
Subsection 2 of NAC 445B.265, reporting of monitoring systems .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	\$250	\$500	\$750
Paragraph (e) of subsection 1 of NAC 445B.275, recordkeeping, monitoring, reporting or compliance certification.....	<del>{50}</del>	<del>{100}</del>	<del>{200}</del>
	\$250	\$500	\$750
NAC 445B.331, change of location .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	\$250	\$500	\$750

4. All minor violations become major violations upon the occurrence of the fourth violation of the same section within a period of 60 consecutive months.