

**PROPOSED REGULATION OF THE STATE**

**ENVIRONMENTAL COMMISSION**

**LCB File No. R064-03**

July 28, 2003

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

AUTHORITY: §1, NRS 445B.640.

**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	Second	Third
	Offense	Offense	Offense
NAC 445B.22037, fugitive dust.....	<del>[\$125]</del>	<del>[\$250]</del>	<del>[\$500]</del>

	\$250	\$500	\$500
NAC 445B.22067, open burning.....	<del>{50}</del>	<del>{100}</del>	<del>{200}</del>
	250	500	500
<del>NAC 445B.2207, incinerator burning [;</del>			
<del>—equal to or less than 25 lbs per hour.....</del>	<del>—50</del>	<del>—100</del>	<del>—200</del>
<del>—greater than 25 lbs per hour.....</del>	<del>—50}</del>	<del>{100}</del>	<del>{200}</del>
	<del>—250</del>	500	500
NAC 445B.22087, odors.....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	250	500	500
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions .....	<del>{125}</del>	<del>{250}</del>	<del>{500}</del>
	250	500	500
Subsection 8 of NAC 445B.252, testing and sampling reporting .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	250	500	500
Subsection 2 of NAC 445B.265, reporting of monitoring systems .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	250	500	500
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	500
NAC 445B.331, change of location .....	<del>{100}</del>	<del>{200}</del>	<del>{400}</del>
	250	500	500

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.