

LCB File No. T040-03

ADOPTED TEMPORARY REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

Filed with the Secretary of State on June 24, 2003

Petition 2003-03

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

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:

Table with 4 columns: Description, First Offense, Second Offense, Third Offense. Rows include NAC 445B.22037, NAC 445B.22067, and NAC 445B.2207 with associated fine amounts in blue and red text.

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

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T040-03**

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2003-03 (Temporary), was noticed on May 21, 2003, May 27, 2003 and June 2, 2003 as a temporary regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Bureau of Air Pollution Control on June 2 and June 10, 2003. The regulation was adopted by the State Environmental Commission as a temporary regulation on June 19, 2003. There was no public oral and no written comments received by the Commission during adoption. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-9310, or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

- | | |
|---|----|
| (a) Attended each hearing; | 20 |
| (b) Testified at each hearing; | 2 |
| (c) Submitted to the agency written comments: | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No written or oral comment was received from affected businesses. See above statement for dates of the public notices and public workshops. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-9309 or writing to the Commission at 333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted by the State Environmental Commission on June 19, 2003 without request for amendment.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed amendments are not expected to have any economic short or long-term adverse impact upon the public.

(b) Estimated economic effect on the public;

The proposed regulation is not expected to have any direct economic impact on the regulated community in the immediate term and long term. If a minor violation occurs, the penalty will be approximately two to five times greater.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The regulation is not expected to result in additional cost by the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are not other state or government agency regulations, which the revisions duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is no more restrictive or stringent than federal requirements.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulations do not provide a new fee nor increase an existing fee.