

Secretary of State
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Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification Proposed Adopted By Agency Temporary Emergency Permanent

Brief Description of Action: Regulation R142-07: Minor Violation Fine Increase; Revising the Definition of a Class III Source; and Permitting Corrections/Clarifications: This regulation amends NAC 445B.001 to 445B.3497 of the State "Air Pollution" regulations, by adding the following requirements: The regulation will revise fines for minor violations. Of note, Assembly Bill 67 was passed by the 2007 Legislature, increasing the maximum allowable fine for a minor violation to \$2000. The last increase in the maximum allowable fine was 20 years ago. This regulation changes the fine structure for minor violations to make the amounts more commensurate with today's economy. The higher fine amounts will provide a greater deterrent to violating state regulations. The regulation also revise the definition of a "Class III source" to allow a stationary compression ignition internal combustion engine (CI-ICE) that is subject to 40 CFR 60 Subpart IIII and does not exceed 750 horsepower to qualify as a Class III source. If the regulation is not adopted, businesses with standalone emergency or backup generators must now obtain a Class II permit. The time and cost required in obtaining a Class II permit for stationary CI-ICEs that do not exceed 750 horsepower would impose undue hardship on business/industry. Hence, the proposed regulation alleviates this hardship.

Authority citation other than 233B: §§1-4, NRS 445B.210; §5, NRS 445B.210, 445B.225 and 445B.300; §6, NRS 445B.210, 445B.470 and 445B.640; §§7-14, NRS 445B.210 and 445B.300.

Notice date: February 15, 2008

Hearing date: March 18, 2008