

**PROPOSED TEMPORARY REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**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:

NAC 445B.281 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> ]	[ <del>\$250</del> ]	[ <del>\$500</del> ]
	<b><i>\$250</i></b>	<b><i>\$500</i></b>	<b><i>\$1000</i></b>
NAC 445B.22067, open burning.....	[ <del>50</del> ]	[ <del>100</del> ]	[ <del>200</del> ]
	<b><i>\$250</i></b>	<b><i>\$500</i></b>	<b><i>\$750</i></b>
NAC 445B.2207, incinerator burning[;	[ <del>50</del> ]	[ <del>100</del> ]	[ <del>200</del> ]
equal to or less than 25 lbs per hour .....	<b><i>\$250</i></b>	<b><i>\$500</i></b>	<b><i>\$750</i></b>
<del>greater than 25 lbs per hour].....</del>	[ <del>50</del> ]	[ <del>100</del> ]	[ <del>200</del> ]
	<b><i>[\$100]</i></b>	<b><i>[\$200]</i></b>	<b><i>[\$400]</i></b>

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

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.

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