

SENATE BILL NO. 447—COMMITTEE ON NATURAL RESOURCES

MARCH 15, 1999

Referred to Committee on Natural Resources

SUMMARY—Exempts certain persons who hold operating permits for certain sources of emissions of air contaminants from imposition of certain penalties under certain circumstances. (BDR 40-890)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to air pollution; exempting certain persons who hold operating permits for certain sources of emissions of air contaminants from the imposition of certain penalties under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1    **Section 1.** NRS 445B.470 is hereby amended to read as follows:  
2    445B.470 1. A person shall not knowingly:  
3    (a) Violate any applicable provision, the terms or conditions of any  
4    permit or any provision for the filing of information;  
5    (b) Fail to pay any fee;  
6    (c) Falsify any material statement, representation or certification in any  
7    notice or report; or  
8    (d) Render inaccurate any monitoring device or method,  
9    required pursuant to the provisions of NRS 445B.100 to 445B.450,  
10   inclusive, or 445B.470 to 445B.640, inclusive, or any regulation adopted  
11   pursuant to those provisions.  
12   2. *If an owner or operator of a source who holds an operating permit*  
13   *for a construction site complies with all of the terms and conditions of*  
14   *the operating permit, the owner or operator is not subject to a penalty*  
15   *pursuant to subsection 3 if the air contaminant becomes airborne*  
16   *through conditions beyond the control of the owner or operator of the*  
17   *source.*

1     **3.** Any person who violates any provision of subsection 1 shall be  
2 punished by a fine of not more than \$10,000 for each day of the violation.

3     ~~{3.—The}~~

4     **4. Except as otherwise provided in subsection 2, the** burden of proof  
5 and degree of knowledge required to establish a violation of subsection 1  
6 are the same as those required by 42 U.S.C. § 7413(c), as that section exists  
7 on October 1, 1993.

8     ~~{4.}~~ **5.** If, in the judgment of the director of the department or his  
9 designee, any person is engaged in any act or practice which constitutes a  
10 criminal offense under NRS 445B.100 to 445B.640, inclusive, the director  
11 of the department or his designee may request the attorney general or the  
12 district attorney of the county in which the criminal offense is alleged to  
13 have occurred to institute by indictment or information a criminal  
14 prosecution of the person.

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