

ASSEMBLY BILL NO. 546—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

MARCH 23, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Revises provisions governing distribution and use of proceeds of administrative fines imposed for certain violations relating to air pollution. (BDR 40-1191)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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

AN ACT relating to air pollution; revising the provisions governing the distribution and use of administrative fines imposed for certain violations relating to air pollution; 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.500 is hereby amended to read as follows:
2 445B.500 1. Except as otherwise provided in this section and in NRS
3 445B.310:
4 (a) The district board of health, county board of health or board of
5 county commissioners in each county whose population is 100,000 or more
6 shall establish a program for the control of air pollution and administer the
7 program within its jurisdiction unless superseded.
8 (b) The program must:
9 (1) Include standards for the control of emissions, emergency
10 procedures and variance procedures established by ordinance or local
11 regulation which are equivalent to or stricter than those established by
12 statute or state regulation; and
13 (2) Provide for adequate administration, enforcement, financing and
14 staff.
15 (c) The district board of health, county board of health or board of
16 county commissioners is designated as the air pollution control agency of
17 the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and
18 the federal act insofar as it pertains to local programs, and that agency is
19 authorized to take all action necessary to secure for the county the benefits
20 of the federal act.



1 (d) Powers and responsibilities provided for in NRS 445B.210,
2 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and
3 445B.640 are binding upon and inure to the benefit of local air pollution
4 control authorities within their jurisdiction.

5 2. The local air pollution control board shall carry out all provisions of
6 NRS 445B.215 with the exception that notices of public hearings must be
7 given *once a week for 3 weeks* in any newspaper ~~that~~ qualified pursuant to
8 the provisions of chapter 238 of NRS . ~~once a week for 3 weeks.~~ The
9 notice must specify with particularity the reasons for the proposed
10 regulations and provide other informative details. NRS 445B.215 does not
11 apply to the adoption of existing regulations upon transfer of authority as
12 provided in NRS 445B.610.

13 3. In a county whose population is 400,000 or more, the local air
14 pollution control board may delegate to an independent hearing officer or
15 hearing board its authority to determine violations and levy administrative
16 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
17 inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted
18 pursuant to those sections. If such a delegation is made, 17.5 percent of any
19 penalty collected must be deposited in the county treasury in an account to
20 be administered by the local air pollution control board to a maximum of
21 ~~17,500~~ *50,000* per year. The money in the account may only be used to
22 defray the administrative expenses incurred by the local air pollution
23 control board in enforcing the provisions of NRS 445B.100 to 445B.640,
24 inclusive. The remainder of the penalty must be deposited in the county
25 ~~school district fund of the county where the violation occurred.~~ *treasury*
26 *in an additional account to be administered by the local air pollution*
27 *control board. The money in this additional account may only be used to*
28 *conduct research regarding methods to improve the control of air*
29 *pollution and the enforcement of regulations of the local air pollution*
30 *control board.*

31 4. Any county whose population is less than 100,000 or any city may
32 meet the requirements of this section for administration and enforcement
33 through cooperative or interlocal agreement with one or more other
34 counties, or through agreement with the state, or may establish its own
35 program for the control of air pollution. If the county establishes such a
36 program, it is subject to the approval of the commission.

37 5. No district board of health, county board of health or board of
38 county commissioners may adopt any regulation or establish a compliance
39 schedule, variance order or other enforcement action relating to the control
40 of emissions from plants which generate electricity by using steam
41 produced by the burning of fossil fuel.

42 6. For the purposes of this section, "plants which generate electricity
43 by using steam produced by the burning of fossil fuel" means plants that
44 burn fossil fuels in a boiler to produce steam for the production of
45 electricity. The term does not include any plant which uses technology for
46 a simple or combined cycle combustion turbine, regardless of whether the
47 plant includes duct burners.



1 **Sec. 2.** NRS 445B.640 is hereby amended to read as follows:

2 445B.640 1. Except as otherwise provided in subsection 4 and NRS
3 445C.010 to 445C.120, inclusive, any person who violates any provision of
4 NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640,
5 inclusive, or any regulation in force pursuant thereto, other than NRS
6 445B.570 on confidential information, is guilty of a civil offense and shall
7 pay an administrative fine levied by the commission of not more than
8 \$10,000 per day per offense. Each day of violation constitutes a separate
9 offense.

10 2. The commission shall by regulation establish a schedule of
11 administrative fines not exceeding \$500 for lesser violations of any
12 provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to
13 445B.640, inclusive, or any regulation in force pursuant thereto.

14 3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of
15 the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to
16 445B.640, inclusive, regulations in force pursuant thereto, and orders made
17 pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to
18 445B.640, inclusive, by injunction or other appropriate remedy, and the
19 commission or the director may institute and maintain in the name of the
20 State of Nevada any such enforcement proceedings.

21 4. Any person who fails to pay a fine levied pursuant to subsection 1
22 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor.
23 The provisions of this subsection do not apply to persons found by the
24 court to be indigent.

25 5. All administrative fines collected by the commission pursuant to
26 this section *regarding a violation that occurred in a county whose*
27 *population:*

28 *(a) Is less than 100,000* must be deposited in the county school district
29 fund of the county where the violation occurred.

30 *(b) Is 100,000 or more must be deposited in the county treasury of the*
31 *county where the violation occurred in an account to be administered by*
32 *the local air pollution control board. The money in the account may only*
33 *be used to conduct research regarding methods to improve the control of*
34 *air pollution and the enforcement of regulations of the local air pollution*
35 *control board and the commission.*

36 **Sec. 3.** This act becomes effective upon passage and approval and
37 expires by limitation on June 30, 2005.

