

SENATE BILL NO. 535—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF AIR QUALITY PROGRAMS IN CLARK COUNTY (SB 432))

MARCH 26, 2001

Referred to Committee on Natural Resources

SUMMARY—Authorizes local air pollution control agency in certain counties to establish program to reduce and control air pollution. (BDR 40-791)

FISCAL NOTE: Effect on Local Government: No.  
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; authorizing the local air pollution control agency in certain counties to establish a program for the receipt and exchange of credits to reduce and control air pollution; requiring such an agency to use the fees collected from such a program for projects to reduce 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7     program within its jurisdiction unless superseded.  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:~~  
10        ***(1) Must include, without limitation,*** standards for the control of  
11     emissions, emergency procedures and variance procedures established by  
12     ordinance or local regulation which are equivalent to or stricter than those  
13     established by statute or state regulation; ~~and~~  
14        ~~(2) Provide:~~  
15        ***(2) May, in a county whose population is 400,000 or more, include***  
16     ***requirements for the receipt and exchange of credits to reduce and***  
17     ***control air contaminants in accordance with NRS 445B.508; and***  
18        ***(3) Must provide*** for adequate administration, enforcement, financing  
19     and staff.



1 (c) The district board of health, county board of health or board of  
2 county commissioners is designated as the air pollution control agency of  
3 the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and  
4 the federal act insofar as it pertains to local programs, and that agency is  
5 authorized to take all action necessary to secure for the county the benefits  
6 of the federal act.

7 (d) Powers and responsibilities provided for in NRS 445B.210,  
8 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and  
9 445B.640 are binding upon and inure to the benefit of local air pollution  
10 control authorities within their jurisdiction.

11 2. The local air pollution control board shall carry out all provisions of  
12 NRS 445B.215 with the exception that notices of public hearings must be  
13 given in any newspaper, qualified pursuant to the provisions of chapter 238  
14 of NRS, once a week for 3 weeks. The notice must specify with  
15 particularity the reasons for the proposed regulations and provide other  
16 informative details. NRS 445B.215 does not apply to the adoption of  
17 existing regulations upon transfer of authority as provided in NRS  
18 445B.610.

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

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

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

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



1     **Sec. 2.** NRS 445B.508 is hereby amended to read as follows:

2     445B.508 1. *In a county whose population is 400,000 or more, a*  
3 *district board of health, county board of health or board of county*  
4 *commissioners may, as a part of its program for the control of air*  
5 *pollution established pursuant to NRS 445B.500:*

6     (a) *Require each person operating or responsible for the existence of*  
7 *a source within its jurisdiction to obtain credits issued by the board for*  
8 *air contaminants the source emits or will emit. The board shall establish*  
9 *the number of credits required to be obtained by each person, but in no*  
10 *case may a person who is operating or responsible for the existence of a*  
11 *new source be required to obtain less than one or more than two credits*  
12 *for each ton of air contaminants the source will emit.*

13     (b) *Award credits to a person operating or responsible for the*  
14 *existence of a source within its jurisdiction who successfully carries out*  
15 *projects that reduce the air contaminants emitted by the source. The*  
16 *board shall establish guidelines to determine which projects qualify for*  
17 *credits and the number of credits that will be awarded for those projects.*

18     (c) *Authorize a person operating or responsible for the existence of a*  
19 *source who has been awarded credits pursuant to paragraph (b) to sell,*  
20 *exchange or otherwise transfer those credits to another person operating*  
21 *or responsible for the existence of a source within the jurisdiction of the*  
22 *board that awarded the credits.*

23     2. *If a person operating or responsible for the existence of a source is*  
24 *required to obtain credits pursuant to subsection 1, the person may:*

25     (a) *Obtain the number of credits needed from another person who has*  
26 *been awarded credits pursuant to paragraph (b) of subsection 1;*

27     (b) *Purchase the number of credits needed from the appropriate board*  
28 *for a fee established by the board; or*

29     (c) *Obtain credits from another person and purchase any additional*  
30 *credits needed from the appropriate board.*

31     3. *If a county operates a program ~~in which~~ for the control of air*  
32 *pollution that allows a person operating or responsible for the existence of*  
33 *a source ~~of air contaminant may~~ to earn credits for maintaining or*  
34 *reducing the level of air contaminant emitted from the source, ~~such as~~ the*  
35 *program:*

36     (a) *Must allow the person to earn credits for reducing the level of air*  
37 *contaminant emitted from that source through the use of solar energy; and*

38     (b) *Must not allow the person to earn credits for reducing the level of air*  
39 *contaminant emitted from that source if such a reduction is required as a*  
40 *component of a penalty imposed against the person.*

41     ~~2-~~ 4. *If the district board of health, county board of health or board*  
42 *of county commissioners establishes a program for the receipt and*  
43 *exchange of credits pursuant to subsection 1, it shall establish the*  
44 *following fees:*

45     (a) *The fee for a credit purchased by a person operating or*  
46 *responsible for the existence of a new source must be established in an*  
47 *amount which reasonably reflects the cost of reducing air pollution, but*  
48 *in no case may the fee exceed \$650 per ton of air contaminants that will*  
49 *be emitted by the source.*



- 1     ***(b) The fee for a credit purchased by a person operating or***  
2     ***responsible for the existence of an existing source must be established in***  
3     ***an amount not to exceed \$80 per ton of air contaminants emitted by the***  
4     ***source.***  
5     ***5. Money received from fees assessed pursuant to this section must***  
6     ***be:***  
7         ***(a) Accounted for separately;***  
8         ***(b) Expended, pursuant to a cooperative or interlocal agreement, on***  
9         ***projects to reduce air contaminants within the jurisdiction of the district***  
10        ***board of health, county board of health or board of county***  
11        ***commissioners, including, without limitation, on projects to pave***  
12        ***unpaved roads; and***  
13        ***(c) Expended within the hydrographic basin from which the fees are***  
14        ***collected.***  
15     ***6. As used in this section, “credit” means an administratively created***  
16     ***right that:***  
17         ***(a) Entitles a person operating or responsible for the existence of a***  
18         ***source ~~to emit a certain level of air~~ to allow the source to emit a certain level of air***  
19         ***contaminant; and***  
20         ***(b) May be traded or sold to another person.***  
21     **Sec. 3.** This act becomes effective upon passage and approval.

