

CHAPTER.....

AN ACT relating to hazardous materials; revising the limitations on the amount of certain fees that the State Emergency Response Commission may impose; and providing other matters properly relating thereto.

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

Section 1. NRS 459.744 is hereby amended to read as follows:
459.744 ~~{1.}~~ The Commission shall establish by regulation:

~~{(a)}~~ **1.** A schedule of fees for its services and regulatory activities. The fees must be set at an amount which approximates the cost to the Commission of performing those services and activities.

~~{(b)}~~ **2.** A fee, not to exceed ~~[\$5,000]~~ **\$15,000** per year, to be paid by each person who stores an extremely hazardous material in an amount greater than the threshold planning quantity established for such material in 40 C.F.R. Part 355, Appendix A or B. The fee must include:

~~{(1)}~~ **(a)** A filing fee for each facility in which such material is stored; and

~~{(2)}~~ **(b)** A surcharge for each ton of such material stored in excess of 1 ton,
and must be paid on or before March 1 of each year for the preceding calendar year.

~~{(c)}~~ **3.** A fee, not to exceed \$2,000 per year, to be paid by each person who manufactures for transport an extremely hazardous material in an amount greater than the threshold planning quantity established for such material in 40 C.F.R. Part 355, Appendix A or B. The fee must include:

~~{(1)}~~ **(a)** A filing fee for each facility in which such material is manufactured; and

~~{(2)}~~ **(b)** A surcharge for each ton of such material which is manufactured for transport in this state,
and must be paid on or before January 31 of each year for the preceding calendar year.

~~{(d)}~~ **4.** A reporting fee of \$500 to be paid by each person who is required to submit a toxic chemical release form pursuant to 42 U.S.C. §§ 11001 et seq., which becomes due upon the filing of the form.

~~{2. The Commission shall not require any person to pay more than \$5,000 in fees imposed pursuant to subsection 1 for any calendar year.}~~

Sec. 2. This act becomes effective on July 1, 2003.