

## SECTION 9: PENALTIES

### 9.1 Penalties for Violation of Regulation

- (a) Any person who is determined to be in violation of an applicable Nevada Revised Statute or any provision of these Regulations, shall pay a civil penalty levied by the Hearing Officer, or the Hearing Board upon appeal, of not more than \$10,000 per day, per violation. These violations include, but are not limited to any of the following:
  - (1) Failure to comply with requirements to obtain a permit.
  - (2) Failure to comply with a permit condition.
  - (3) Failure to pay an applicable fee or to meet a filing requirement.
  - (4) Failure to grant entry, to allow or perform inspection, or perform monitoring activities.
  
- (b) For lesser violations, administrative fines shall not exceed \$2,000 per violation of any provision of these Regulations. These violations include, but are not limited to:
  - (1) Late notification and/or late reporting associated with a stationary source, with or without a permit.
  - (2) Recordkeeping deficiencies associated with a stationary source, with or without a permit.
  - (3) Open Burning.
  - (4) Lesser violations associated with Dust Control Operating Permits include, but are not limited to:
    - (A) Dust monitor required but not present on site.
    - (B) Site superintendent has not completed dust class.
    - (C) Water truck operator has not completed dust class.
    - (D) Failure to post Dust Control Operating Permit signage.
  
- (c) All lesser violations become subject to the penalty in Section 9.1(a) upon the occurrence of the fourth violation of the same section within a period of sixty (60) consecutive months.
  
- (d) Any person aggrieved by an order issued pursuant to this section is entitled to file notice of appeal to the Hearing Board as provided in Sections 7.5(a) and 7.5(c) of these Regulations.

- (e) Nothing contained in this section shall be construed as limiting the authority of the Hearing Officer or the Hearing Board to take other appropriate remedies besides monetary penalties that may benefit air quality.

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History: Amended : September 3, 1981; January 25, 1990; May 28, 1992; November 18, 1993; December 19, 1996; April 24, 1997; June 22, 2000; December 21, 2001; June 3, 2003; July 1, 2004; December 17, 2019.