

January 25, 2016

To Whom It May Concern:

The Clark County Department of Air Quality (DAQ) has procedures for the payment of Administrative penalties levied by the Air Pollution Control (APC) Hearing Board/Hearing Officer. The attached Penalty Payment Guidelines establish the procedures you must follow when submitting payments to DAQ to satisfy decisions of the APC Hearing Board/Hearing Officer.

These guidelines also contain the procedures for negotiating a Penalty Payment Schedule for payment of penalties over an agreed upon period of time. For further information or to make payment plan arrangements, please contact DAQ.

If you have questions or desire to discuss these guidelines, please contact Pamela R. Thompson, the DAQ staff member most familiar with these procedures. She can be reached at (702) 455-3126.

Sincerely,



Marci Henson
Director

MH:pt

Penalty Payment Guidelines

The Clark County Department of Air Quality (DAQ) has developed these guidelines regarding payments of Administrative penalties levied by the Air Pollution Control Hearing Board/Hearing Officer.

Non-Contested Administrative penalties are due within 30 days receipt of the Order from the Hearing Officer/Hearing Board, which is sent by First Class Mail.

Contested Administrative penalties are due within 30 days of the date the Order is signed by the Hearing Officer/Hearing Board, which is mailed by certified letter.

Regarding time payments of Administrative penalties levied by the Air Pollution Control Hearing Board/Hearing Officer, the following requirements apply:

1. An applicant for time payment of administrative penalties assessed by the APC Hearing Board/Hearing Officer must present his or her request in writing and sign an agreement to pay such scheduled administrative penalties established by the DAQ.
2. DAQ costs to maintain financial/payment tracking records over a lengthy period of time are not insignificant, even though some offset is retrieved by the 17.5% legislatively allowed retention annually (capped at \$17,500). The balance of the payments received must be transferred to the Clark County School District for air quality improvements and educational programs. Time payment of administrative penalties shall, therefore, not be extended beyond 36 months.
3. As a "good faith" demonstration that the applicant will make full payment of assessed amounts, a "down payment" at the beginning of the payment schedule is to be made in the amount of 15% of the levied amount.
4. In the agreement made between the DAQ and the applicant who requests time payment of an administrative penalty, there must be an acknowledgement that any scheduled payment over 45 days past due will cause the remaining balance to become immediately due and payable.

Further, if timely payment(s) is not made, Clark County shall be authorized to enter a judgment by confession for the amount then due, plus pre-judgment interest at a rate of prime plus two, including interest on payments previously made to the date of payment, from thirty days after the initial invoice. The debtor shall, pursuant to NRS 17.100 and NRS 53.045, declare under penalty of perjury that the payment plan is true and correct and the sums recited therein are and will be justly due. Other relief may include suspension of the individual or corporate operating permit.

5. The time payment agreement must be signed by the Director of DAQ. Tracking of timely payments is to be accomplished by DAQ staff with monthly reports to Administration.