

Subpart V – Penalties

§501. Failure to Obtain a Permit.

Failure to obtain an Open Burn Permit pursuant to Subpart III of these regulations will result in an administrative penalty of \$100.00 for each open burn conducted without a permit.

§502. Failure to Abide by Permit Conditions.

Failure to abide by the Open Burn Permit conditions established pursuant to Subpart III of these regulations will result in an administrative penalty of \$50.00 for each violation.

§503. Field Citations.

The Director may issue a field citation specifying violations of an Open Burning Permit, assessing penalties pursuant to §502, and providing a schedule for compliance, pursuant to the Navajo Nation Clean Air Act, 4 N.N.C. §1155 (C), and Uniform Rules §§328-331.

§504. Administrative Hearing and Judicial Review.

A person may either pay the penalty imposed under this subpart within 30 days of its issuance or request a hearing pursuant to the Navajo Nation Air Pollution Prevention and Control Act, 4 N.N.C. §1155 (C), and Uniform Rules §330. If a person fails either to pay the penalty or request a hearing within 30 days, the Director may seek enforcement of the penalty pursuant to the Navajo Nation Air Pollution Prevention and Control Act, 4 N.N.C. §1155 (E), and Uniform Rules §§ 331-332. If a person requests a hearing pursuant to Uniform Rules §330, the provisions of Subpart 3 of the Uniform Rules shall apply, and the final decision of the Hearing Officer shall be subject to judicial review pursuant to 4 N.N.C. §1155 (D).

§505. Other Penalties.

- A. The imposition of penalties pursuant to this section does not relieve a person from being charged for violating other provisions of Navajo Nation law for the same conduct.
- B. Additional penalties, including revocation or termination of an Open Burn Permit, may be imposed for the following reasons:
 1. Repeated offenses of these regulations;
 2. Conduct that result in property damage;
 3. Conduct that result in damage to the environment.