

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R033-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/18/2022**

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File No. XXXX-XX
June, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-23, NRS 445A.425, 445A.860 and 445A.880; §§24, 25 and 26, NRS 445A.425; §27, 28 and 29, NRS 445A.860 and 445A.880, §30 and 31, NRS 233B.050, 445A.425, 445A.860 and 445A.880; §§32-52, and 54-58, NRS 459.485 and 459.500; §§53 and 59, NRS 233B.050, 459.485 and 459.500.

A REGULATION relating to environmental protection; setting forth an increase in fees for Certified Individuals applying and reapplying for certification, requiring a degree to become a Certified Environmental Manager, and requiring Continuing Education Units to recertify as a Certified Environmental Manager.

NAC 459.972 Certification as environmental manager. (NRS 459.485, 459.500) An applicant for certification as an environmental manager must:

1. Be of good character and reputation as determined by the Division upon review of the applicant's references, record of violations of environmental laws and regulations and such other considerations as the Division deems necessary and proper. Certification must be denied if such a review indicates that the applicant fails to meet the applicable standards.

2. Submit to the Division:

- (a) An application on a form provided by the Division;
- (b) A nonrefundable fee of [~~\$100~~] *\$150* for the review of the application;
- (c) A color photograph of the applicant which is approximately 2 inches by 2 inches;
- (d) A statement signed by the applicant under penalty of perjury declaring the details of all pleas of guilty or nolo contendere in any criminal proceeding and all convictions of any crimes; and

(e) Three letters of reference from natural persons with experience in the services of that classification attesting to the applicant's moral character and competence in that classification.

3. Demonstrate to the Division that the applicant meets [~~one of~~] the following qualifications:
~~[(a)]~~ A bachelor's or advanced degree from an accredited college or university in an area relating to the environment including, but not limited to, environmental science, engineering, geology, hydrology, hydrogeology, biology, toxicology, environmental health, physics, industrial hygiene or chemistry and at least 3 years of relevant environmental experience within the 5 years immediately preceding the date of the application;

~~[(b)]~~ A relevant professional registration or certification recognized by the Division and at least 3 years of relevant environmental experience within the 5 years immediately preceding the date of the application; or

~~—(c) An equivalent combination of appropriate education or experience, or both, as determined by the Division.]~~

4. Pass an examination pursuant to NAC 459.9726.
(Added to NAC by Environmental Comm'n, eff. 3-6-91)

NAC 459.9722 Certification as handler of underground storage tanks. (NRS 459.485, 459.500) An applicant for certification as a handler of underground storage tanks must:

1. Be of good character and reputation as determined by the Division upon review of the applicant's references, record of violations of environmental laws and regulations and such other considerations as the Division deems necessary and proper. Certification must be denied if such a review indicates that the applicant fails to meet the applicable standards.

2. Submit to the Division:

- (a) An application on a form provided by the Division;
- (b) A nonrefundable fee of ~~[\$100]~~ \$150 for the review of the application;
- (c) A color photograph of the applicant which is approximately 2 inches by 2 inches;
- (d) A specific record of at least 2 years' experience and the direct participation in at least 10 projects relating to the handling of underground storage tanks;
- (e) A copy of an appropriate license issued by the State Contractors' Board pursuant to chapter 624 of NRS;
- (f) Proof of completion of a course approved by the Division concerning the safe handling of underground storage tanks;
- (g) A statement signed by the applicant under penalty of perjury declaring the details of all pleas of guilty or nolo contendere in any criminal proceeding and all convictions of any crimes; and
- (h) Three letters of reference from natural persons with experience in the services of that classification attesting to the applicant's moral character and competence in that classification.

3. Pass an examination pursuant to NAC 459.9726.

(Added to NAC by Environmental Comm'n, eff. 3-6-91)

NAC 459.9723 Certification as tester of underground storage tanks. (NRS 459.485, 459.500) An applicant for certification as a tester of underground storage tanks must:

1. Be of good character and reputation as determined by the Division upon review of the applicant's references, record of violations of environmental laws and regulations and such other considerations as the Division deems necessary and proper. Certification must be denied if such a review indicates that the applicant fails to meet the applicable standards.

2. Submit to the Division:

- (a) An application on a form provided by the Division;
- (b) A nonrefundable fee of ~~[\$100]~~ \$150 for the review of the application;
- (c) A color photograph of the applicant which is approximately 2 inches by 2 inches;
- (d) A specific record of direct participation in at least 50 tests of underground storage tanks;
- (e) A specific record of at least 1 year of experience in the testing of underground storage tanks;
- (f) Proof of training provided by the manufacturer of the equipment which is used for testing;
- (g) Proof of completion of a course approved by the Division concerning the safe handling of underground storage tanks;
- (h) A statement signed by the applicant under penalty of perjury declaring the details of all pleas of guilty or nolo contendere in any criminal proceeding and all convictions of any crimes; and
- (i) Three letters of reference from natural persons with experience in the services of that classification attesting to the applicant's moral character and competence in that classification.

3. Pass an examination pursuant to NAC 459.9726.

(Added to NAC by Environmental Comm'n, eff. 3-6-91)

NAC 459.97232 Certification as provider of approved underground storage tank training program. (NRS 459.500, 459.826) An applicant for certification as a provider of an approved underground storage tank training program must:

1. Be of good reputation as determined by the Division upon review of the applicant's application and such other considerations as the Division deems necessary and proper. Certification must be denied if such a review indicates that the applicant fails to meet the applicable standards.

2. Submit to the Division:

(a) An application on a form provided by the Division;

(b) A nonrefundable fee of ~~[\$100]~~ \$150 for review of the application; and

(c) Documentation satisfactory to the Division that the applicant's training program meets the requirements of Subpart J of 40 C.F.R. Part 280, as those provisions existed on November 2, 2016.

(Added to NAC by Environmental Comm'n by R123-16, eff. 11-2-2016)

NAC 459.9726 Action on applications; examinations for certification. (NRS 459.485, 459.500)

1. The Division will review each application and send each applicant written notice within 6 weeks of receipt of all required materials whether his or her application has been approved or rejected.

2. An applicant whose application is approved by the Division and who wishes to take the examination must submit to the Division a nonrefundable examination fee set by the Division, not to exceed ~~[\$150]~~ \$200, at least 30 days before the examination is given.

3. The Division shall determine the content of the examinations.

4. A score of 70 is a passing score on an examination for certification.

5. An examination for each classification will be given at least once each year.

6. The examinations are the property of the Division and must remain confidential.

7. An applicant who fails the examination may apply for a reexamination. The nonrefundable fee for reexamination must be set by the Division not to exceed ~~[\$150]~~ \$200.

8. Each application for certification will remain on file with the Division for 2 years after the date that all required materials are received by the Division. If the applicant does not pass an examination for certification or request reexamination within the 2-year period, the applicant must file with the Division a new application for certification.

(Added to NAC by Environmental Comm'n, eff. 3-6-91; A 1-24-92)

NAC 459.9727 Contents and duration of certificate. (NRS 459.485, 459.500)

1. Each certificate issued by the Division to an applicant must bear:

(a) The name of the applicant;

(b) The number of the certificate;

(c) The date of expiration of the certificate; and

(d) The specific classification of certification.

2. Each certificate is valid for 2 years after the date the Division issues the certificate.

(Added to NAC by Environmental Comm'n, eff. 3-6-91)

NAC 459.9728 Renewal of certificate. (NRS 459.485, 459.500) A holder of a certificate who wishes to renew his or her certificate must, not later than 1 year after the date on which the certificate expires:

1. Demonstrate to the Division that he or she continues to meet all qualifications and performance requirements of NAC 459.970 to 459.9729, inclusive;
2. Submit an application for renewal of the certificate to the Division on a form provided by the Division;
3. Submit a nonrefundable fee set by the Division not to exceed [~~\$100~~] \$150; and
4. Complete an examination for renewal if the Division has determined that such a renewal examination is appropriate.
5. *Submit proof deemed acceptable by the Division that he or she has completed at least 24 professional development hours within the biennial renewal period.*

(Added to NAC by Environmental Comm'n, eff. 3-6-91; A by R123-16, 11-2-2016)