

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R033-97**

July 25, 1997

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

AUTHORITY: NRS 445A.425.

**Section 1.** NAC 445A.22705 is hereby amended to read as follows:

445A.22705 1. Except as otherwise provided in NAC 445A.22715, if an owner or operator is required to take corrective action pursuant to NAC 445A.227, the owner or operator may conduct an evaluation of the site, based on the risk it poses to public health and the environment, to determine the necessary remediation standards or to establish that corrective action is not necessary. Such an evaluation must be conducted using Method E1739-95, adopted by the American Society for Testing and Materials, as it exists on October 3, 1996, or an equivalent method approved by the division.

2. The division shall determine whether an evaluation complies with the requirements of Method E1739-95, or an equivalent method of testing approved by the division. The division may reject, require revisions be made to, or withdraw its concurrence with the evaluation at any time after the completion of the evaluation for the following reasons:

(a) The evaluation does not comply with the applicable requirements for conducting the evaluation;

(b) Conditions at the site have changed; or

(c) New information or previously unidentified information which would alter the results of the evaluation becomes available and demonstrates that the release may have a detrimental impact on public health or the environment.

3. If the division rejects, requires revisions be made to or withdraws its concurrence with an evaluation, it shall provide written notice of its determination and the reasons for its determination to the owner or operator. The owner or operator shall:

- (a) Submit a revised evaluation to the division; or
- (b) Carry out the corrective action required by the director.

4. Unless an evaluation is rejected by the division or returned to the owner or operator for revision, the director shall consider the results of the evaluation, the level of concentration of the hazardous substance, hazardous waste or regulated substance in the soil, and the points of compliance to be elements of the plan for corrective action.

5. Method E1739-95, adopted by the American Society for Testing and Materials, as it exists on October 3, 1996, is hereby adopted by reference. A copy of the method may be obtained from the [division, free of charge.] *American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959, at a cost of \$31.*