

**PROPOSED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R021-99

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

AUTHORITY: §§ 1-4, NRS 459.485.

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Section 1. NAC 444.8901 is hereby amended to read as follows:

444.8901 In addition to the requirements of NAC 444.8896 a person, center, point for aggregation or facility that is governed by provisions of NAC 444.8911 to 444.8931, inclusive, 444.8936 to 444.8986, inclusive, *or* 444.8991 to 444.9046, inclusive, shall, not more than 24 hours after a release, report the release by telephone pursuant to the requirements for reporting set forth in 40 C.F.R. Part 302, as that part existed on October 3, 1996, to:

1. The National Response Center, in accordance with 40 C.F.R. Part 302, as that part existed on October 3, 1996, at (800) 424-8802 or (202) 462-2675; *and*
2. ~~[The division of emergency management of the department of motor vehicles and public safety at (702) 687-4240 during normal working hours or at (702) 687-5300 after normal working hours; and~~
- ~~3.]~~ The director of the *state* department *of conservation and natural resources* at (800) 992-0900 extension 4670, or ~~[702]~~(775) 687-4670.

Sec. 2. NAC 444.8906 is hereby amended to read as follows:

444.8906 If used antifreeze is released into a body of water in this state, a person, center, point for aggregation or facility that is governed by the provisions of NAC 444.8911 to 444.8931, inclusive, 444.8936 to 444.8986, inclusive, *or* 444.8991 to 444.9046, inclusive, shall, not more than 24 hours after a release, report the release by telephone to:

- ~~1. The division of emergency management of the department of motor vehicles and~~

1 ~~public safety at (702) 687-4240 during normal working hours or at (702) 687-5300 after~~
2 ~~normal working hours; and~~

3 ~~2. The~~*the* director of the *state* department of *conservation and natural resources* at (800)
4 992-0900 extension 4670, or ~~[(702)](775)~~ 687-4670.

5 **Sec. 3.** NAC 445A.347 is hereby amended to read as follows:

6 445A.347 1. Any person who owns or operates a facility or his designated agent shall
7 notify the~~f~~:

8 ~~(a) Division of emergency management of the department of motor vehicles and public~~
9 ~~safety as soon as possible after he has knowledge of a release described in subsection 2~~
10 ~~that involves his facility. The notice must be by telephone at (775) 687-4240 during~~
11 ~~normal working hours or at (775) 687-5300 after normal working hours.~~

12 ~~(b) Director] director~~ as soon as possible after he has knowledge of ~~[such a release,] a~~
13 ~~release described in subsection 2 that involves his facility~~, but not later than the end of the
14 first working day after the release. The notice must be by telephone at 800-992-0900, extension
15 4670 or ~~(775)~~ 687-4670.

16 2. The following are subject to the notice requirements of subsection 1:

17 (a) A release in a quantity equal to or greater than that which is required to be reported to the
18 National Response Center pursuant to 40 C.F.R. Part 302.

19 (b) A release consisting of any quantity of pollutants, hazardous waste, as defined in NRS
20 459.430, or contaminants, as defined in NRS 445A.325, and the pollutant, hazardous waste or
21 contaminant is not listed in 40 C.F.R. § 302.4.

22 (c) A release consisting of a petroleum product:

23 (1) Which is released to the soil or other surfaces of land in a quantity greater than 25 gallons;
24 or

25 (2) Discovered on or in the ground water or in at least 3 cubic yards of soil during excavation
26 of soil, subsurface exploration, monitoring of ground water or any other subsurface activity.
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1 **Sec. 4.** NAC 459.9729 is hereby amended to read as follows:

2 459.9729 1. Each holder of a certificate issued by the division pursuant to the provisions of NAC
3 459.970 to 459.9729, inclusive:

4 (a) Shall provide services which are ethical, meet the current standards of the profession and
5 which comply with federal, state and local regulations concerning hazardous substances or
6 underground storage tanks.

7 (b) I responsible for the work of other persons he employs or supervises.

8 (c) Shall have a copy of his certificate at the location where he is supervising work. Upon the
9 request of the division, client or potential client, a holder of a certificate shall present his certificate
10 for inspection.

11 (d) Shall make a written report to the facility owner or operator, within 24 hours, upon the
12 discovery of a release of a hazardous substance or the existence of an unregistered underground
13 storage tank and advise that facility owner or operator of any applicable reporting requirements.

14 (e) Shall report to the division ~~[and to the division of emergency management of the~~
15 **department of motor vehicles and public safety]** the discovery of a release of a hazardous
16 substance which presents an imminent and substantial hazard to human health, public safety or the
17 environment as soon as possible after he has knowledge of a release.

18 (f) Shall secure the services of a qualified person to perform any part of his job which requires
19 a level or service or skill which he is not qualified to provide.

20 (g) Shall make complete prior disclosures to his clients or potential clients of potential conflicts
21 of interest or other circumstances which could influence his judgment or the quality of the services
22 he provides.

23 (h) Shall not falsify or misrepresent his education or experience, the degree of responsibility for
24 prior assignments or the complexity of prior employment or business, relevant factors concerning
25 employers, employees, associates or joint ventures or past accomplishments.

1 (I) Shall maintain a written record of each project requiring certification for 3 years after the
2 project is completed. The division may inspect those records during normal business hours and
3 will establish requirements concerning the information which must be included in the records.
4 2. Certification may be suspended, revoked or denied for renewal if the division determines that
5 the certificate holder has not performed in accordance with these standards.
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END OF PETITION 1999-06

Petition 1999-06 was drafted as LCB R021-99 by LCB. Petition 1999-06 was adopted by the State Environmental Commission (SEC) on April 9, 1999. The temporary regulation was effective on April 15, 1999 upon filing with the Nevada Secretary of State. The permanent regulation will be before the SEC on September 9, 1999 for adoption as a permanent regulation.