



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

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NDEP Procedures for Phase I Environmental Information Requests

Background and Purpose

The purpose of this guidance is to document procedures for Certified Environmental Managers or otherwise operating environmental professionals to inspect or obtain public records of the Nevada Division of Environmental Protection (NDEP) in the performance of Phase I Environmental Site Assessments, All Appropriate Inquiry, or other activity related to due diligence or property searches generally. The outlined procedure is consistent with the State of Nevada's Public Records statute (NRS 239) and with the operating requirements of a certified "environmental manager" as defined in Nevada Administrative Code 459.9704, since it should be noted that any person undertaking a site investigation for a fee, or in conjunction with other services for which a fee is charged, must be certified by the NDEP or be operating under the direct supervision or responsibility of a certified individual.

This investigation is best conducted using the resources made publicly available on the internet by the NDEP, but accommodations can also be made for physical file searches to be conducted directly at the location of relevant files.

Procedures

1. Database searches

Three databases that contain NDEP information most relevant to property record searches are available on-line. These databases are routinely updated by the NDEP and can be used to obtain necessary site information or as an index to access specific public records. The three databases are:

- the Registered Underground Storage Tank database, which contains information on all USTs tracked and administered through the State of Nevada's UST Program:
<http://ndep.nv.gov/bca/data.htm> (files maintained by the Bureau of Corrective Actions)
- the Project Tracking database, which contains information on all site cleanup activities through the State's Corrective Action, Brownfields, Voluntary Cleanup, and Leaking Underground Storage Tank programs. The information is maintained in separate lists for open and closed cases:
<http://ndep.nv.gov/bca/data.htm> (files maintained by the Bureau of Corrective Actions)
- the US EPA Enforcement and Compliance History Online database, which contains all relevant information concerning hazardous waste sites in Nevada as generated and uploaded by the State's RCRA program:
<http://www.epa.gov/echo/> (files maintained by the Bureau of Waste Management)

In addition to the resources listed above, there are third-party providers who have collected and consolidated information from these sources to allow for geographic searches and queries.

2. File Review and Copy Requests

A. On-site review and copying

A request may be made to inspect or copy the physical file held by the NDEP as a public record. File requests should be made in reference to specific facilities or actions using facility or program ID numbers obtained from the on-line resources. The file may be viewed or inspected through one of two options. The preferred option is to make an appointment by phone or through e-mail with the appropriate Bureau contact (see list of Bureau contacts below) for you to review the file in person at the offices of the NDEP. The Bureau contact must be provided with the appropriate site, facility, or program ID and be given sufficient upfront notice prior to the appointment to enable the file to be pulled from its storage location. During physical review of the file at the NDEP offices, specific sections of the file or the full file itself may be identified for copying. Small copy or scanning jobs (25 pages or less) may be performed on-site with a copy code provided at the discretion of the Bureau contact. Large copy jobs will need to be undertaken by arranging for third-party, off-site copying services as discussed below.

B. Off-site copy service

The second option for copy requests is to coordinate with the appropriate Bureau Contact and an off-site copy service for the service to pick up, reproduce, and mail a copy of the file. Off-site copy services will directly charge to the person or company requesting a copy of the file. Off-site copying is only allowed after an account has been set up with a copy service provider that has a procedure to pick up and return the original files to the NDEP. Unless the party requesting the file has specific knowledge of its contents or has conducted a physical review, there is no mechanism for the NDEP to audit, abridge, or otherwise specify sections of a file for copying. This will result in the reproduction of the full file at cost to the requesting party by the copy service provider. The timeframe for the temporary transfer of a file to an off-site copy service provider will be subject to limitations by the NDEP based on the need to access the file in the performance of public duties.

To make an appointment for viewing of files or to arrange for off-site reproduction of files you must first determine the file location. The main office of the NDEP is in Carson City where the majority of files are located. However, many functions of the NDEP in Southern Nevada, particularly dealing with sites in the Las Vegas area, are handled from the Las Vegas office. For Bureau of Corrective Action files, the file location is listed in the on-line database (please note that some cleanup files are located in the offices of the Washoe County District Health Department; to view these files, it is necessary to contact WCDHD at (775) 328-2434). For the Bureau of Waste Management, case files for facilities in Southern Nevada are maintained in the Las Vegas office.

For off-site reproduction of files, the person making the request must contact both the appropriate Bureau contact and the copy service providers in order to set up an account and arrange for the copy service. The following providers are local to the areas and have an established process for NDEP file reproduction, you may also use any other provider as long as they have a procedure to pick up and return files to the NDEP in an acceptable condition:

Carson City

Carl's Blueprint & Copy (775) 884-8270
Nevada Blue, Ltd. (775) 883-6011

Las Vegas

Legal Copy Cats & Printing (702) 598-4455
Mercury LDO (702) 436-7272

C. Bureau Contacts

Requests should be made to the appropriate Bureau contact by phone, e-mail, or in writing for a specific file as referenced by the correct site, facility, or program ID number. The request must indicate that copy service has been secured and must identify which of the providers is being used. The Bureau contact will pull the file and notify the copy service provider that the file is available for pick up.

Carson City

Bureau of Corrective Actions

Any administrative staff member
Phone: (775) 687-9368
Fax: (775) 687-8335

Las Vegas

All Files

Marlene Huderski
Phone: (702) 486-2850 x221
Fax: (702) 486-2863
e-mail: mhudersk@ndep.nv.gov

Bureau of Waste Management

Julie Maurer
Phone: (775) 687-9459
Fax (775) 687-5856
e-mail: jmaurer@ndep.nv.gov

Limitations

It is the responsibility of the individual conducting the investigation to identify previously documented releases, enforcement actions, or any other recognized environmental conditions at a site or surrounding sites for which the NDEP may hold specific records. The NDEP will not of itself conduct file searches or otherwise certify the completeness of these types of due diligence property searches and will only serve to make available the appropriate resources and public records necessary to conduct them.

As an environmental professional, you should be proficient in conducting searches, extracting data, and interpreting information from the on-line data resources mentioned in this guidance. It is also your responsibility to identify and examine any additional data sources held by any other Bureau in the NDEP that are necessary for the completion of the property investigation.

Bureau contacts are being made available only for the purposes of making appointments for file reviews and arranging for the reproduction of files as discussed above. The Bureau contacts will not perform other services or provide any additional guidance in respect to the performance of Phase I Environmental Site Assessments or other due diligence activity.