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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

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**IMPORTANT NOTICE REGARDING NEW REQUIREMENTS ON THE USE OF
NEVADA CERTIFIED LABORATORIES**

April 7, 2005

Dear Nevada Certified Environmental Managers, Laboratory Managers and Responsible Parties:

During the 2003 legislative session, Senate Bill 58 was passed. The Act related to provisions that certain required analyses for hazardous waste and regulated substances must be performed by certified laboratories. In addition to other programs within the Division, *this Statute applies to work performed on both LUST and non-LUST Bureau of Corrective Actions sites*. The Act further required that the State Environmental Commission adopt regulations for the certification of such laboratories. The text of SB58, as enrolled, can be read at http://www.leg.state.nv.us/72nd/bills/SB/SB58_EN.pdf.

As required by the Act, subsequent regulations for the Nevada Administrative Code were adopted by the State Environmental Commission on Oct 7, 2004. The regulations in NAC 445A and NAC 459 as amended & adopted by the SEC can be read at <http://sec.nv.gov/archives/regdoc/P2004-16.pdf>. (Note: this is an 80-page file pertaining largely to the laboratories)

The NDEP lab certification program has processed applications that have been received from laboratories interested in certification in soil and water as required by these new Statutes and Regulations. The current lists of laboratories certified to perform analyses on soil and water for the purposes of determining the presence and concentration of a hazardous waste or regulated substance can be read at: http://ndep.nv.gov/bwqp/lab/hazwaste_water_05.xls and http://ndep.nv.gov/bwqp/lab/hazwaste_soil_05.xls. **Please note that the certification of each lab is location and constituent specific.** If a laboratory you are using is not listed in the summary table for the constituent you are seeking for analysis, please attempt to first verify the lab's certification status directly with the laboratory and/or Denise Uber with the NDEP Lab Certification Program at (775) 687-9507. Additional information on the program, can be found on the NDEP website at <http://ndep.nv.gov/bwqp/lab/labservice.htm>.

This letter serves as an important notification that any laboratory analyses performed after MAY 8, 2005 Must be performed by a Nevada Certified Laboratory. There will be no exceptions. Data that is not produced by a Nevada Certified Lab will be rejected.

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The NDEP Bureau of Corrective Actions is also requiring that all submittals that incorporate data generated after May 8, 2005 include a statement by the CEM, before the required Jurat, that certifies that the data being submitted was generated by a lab certified by the NDEP. The certification should include the following language, *“I hereby certify that all laboratory analytical data was generated by a laboratory certified by the NDEP for each constituent and media presented herein.”* In order to ease this process, you may choose to require that the lab data sheets presented to you by the laboratory include a similar statement.

For sites that are eligible for reimbursement from the Petroleum Fund, reimbursement claims that include laboratory invoices for data generated after May 8, 2005, must state that the laboratory was certified by the Division at the time the invoiced analysis was performed. This requirement will begin with all claims submitted for the September 2005 Petroleum Fund Board Meeting.

If you do not have Internet access and require hard copies of any regulatory document referenced above, please call Ms. Denise Uber with the NDEP Lab Certification Program at (775) 687-9507 or the NDEP Bureau of Corrective Actions main line at (775) 687-9368 to request them of the receptionist.