

Groundwater Exemption (Closures)

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Note: Blue font indicates information to be covered during 06/2014 Workshops.

Introduction

1.0 Introduction

Statement of Purpose:

This guidance has been drafted by the Nevada Division of Environmental Protection, Bureau of Corrective Actions. Guidance drafted by the BCA is intended to be advisory and is not enforceable by nature. Guidance provides greater detail than regulations or policies on certain methods or approaches that are acceptable to the Division but does not rule out any other method or approach that may be implemented by the regulated community. Because guidance does not contain enforceable provisions, it has not been developed through an administrative rule-making process; however, the Division always welcomes feedback from the public and the regulated community on the content of guidance.

Intent:

The Groundwater Closure Guidance is intended for use by NDEP BCA Staff, consultants, and the regulated community. Information contained in this guidance is provided to facilitate implementation of Corrective Action regulations (NAC 445A.226 through 445A.22755; *Action Levels for Contaminated Sites*) and outline the types of information necessary for NDEP to provide a No Further Action (NFA) determination for releases that have contaminated groundwater. The guidance is not intended to supplant the referenced regulations, rather it is intended to help persons involved in groundwater contaminant cases evaluate the applicability of closure (No Further Action) for individual Corrective Action cases.

Regulatory Authority:

Revisions to the referenced regulations were adopted by the Legislative Commission in August 2009 and codified in March 2012. The revised regulations provide a framework for NDEP oversight of Leaking Underground Storage Tank (UST) cases and non-Leaking UST cases (i.e., Remediation or Corrective Action cases). Individual citations that are primarily involved in the oversight through case closure of groundwater contaminant cases include:

- NAC 445A.22725 Contamination of groundwater: Order by Director for corrective action; request for exemption; exception;
- NAC 445A.22735 Contamination of groundwater: Establishment of action levels;
- NAC 445A.2273 Contamination of groundwater: Plan and schedule for completing corrective action;
- NAC 445A.22745 Contamination of groundwater: Conditions for terminating remediation of a release; monitoring;
- NAC 445A.22691 Assessment of conditions at site of facility: Division may require submission of additional information; and
- NAC 445A.22697 Factors to be considered by Director in determining acceptance of action level or approval of exemption.

It is important for all persons involved with oversight, clean-up, monitoring, and closure of groundwater contaminant cases to be familiar with these regulatory citations as they provided the basis for developing and executing a defensible case closure.