



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

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BUREAU OF CORRECTIVE ACTIONS CERTIFICATION PROGRAM STANDARDS OF PRACTICE

CERT-07-01 RESPONSIBILITY FOR WORK OF EMPLOYEES

This document provides the NDEP Bureau of Corrective Actions Certification Program interpretation for Standards of Practice applicable to certified Underground Tank Testers (UTT) who supervise or employ individuals to perform tank tightness tests required by 40 Code of Federal Regulations (CFR) 280.43(c) and 280.44(b) on underground storage tank and product piping, as defined by 40 CFR 280.12. This document provides the Certification Program interpretation of Nevada Administrative Code (NAC) 459.9715, 459.97285, and 459.9729.1 and 459.9729.2, as those sections apply to UTT supervision of persons they supervise or employ in the performance to underground storage tank tightness tests.

NAC 459.9729 requires that certified UTTs provides services that are ethical, meet the current standards of the profession and that comply with federal, state and local regulations concerning hazardous substances or underground storage tanks. The NDEP Bureau of Corrective Actions has determined that, in order to meet these Standards of Practice, a certified UTT must be present at the job site and directly oversee the performance of all tank or line tightness tests required by 40 CFR 280.43(c) and 280.44(b).

NAC 459.97285 requires that certified UTTs provide a written certification that certifies they are responsible for the services provided and that the services have been provided in a manner consistent with the current standards of the profession and to the best of their knowledge, comply with all federal, state, and local statutes regulations and ordinances. In order for a certified UTT to provide the certification in NAC 459.97285, **which is required for testing of underground storage tanks**, the certified UTT must be present at the job site and directly oversee the performance of all tank and line tightness testing.

To meet the current standards of the profession, these regulations also require certified UTTs to perform tank tightness tests in accordance with all testing system equipment manufacturer instructions.

This clarification is effective **June 12, 2007** and is in effect until superseded by a subsequent clarification.