

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 96007

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-016-96

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: LCB R-016-96 (Petition 96007) permanently amends NAC 459.970 to 459.9729, the Consultant Certification program. The revision adds a written statement and original signature to all documents submitted to the State and local political subdivisions. The consultants will be required to attest that documents submitted to the State have been prepared under the responsible control of an individual certified by the Division of Environmental Protection.

Authority citation other than 233B: NRS 459.500

Notice date: February 23, February 28 and March 5, 1996

Hearing date: March 26, 1996

Date of Adoption of Agency: March 26, 1996

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 96007
LCB FILE R-016-96**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 459.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 96007 (R-016-96) was noticed three (3) times: February 23, February 28 and March 5, 1996 in the Las Vegas Review Journal and the the Reno Gazette-Journal newspapers. No comments were received from the public regarding this petition. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- | | | |
|-----|---|----|
| (a) | Attended each hearing; | 40 |
| (b) | Testified at each hearing; | 16 |
| (c) | Submitted to the agency written comments: | 3 |

Note: No testimony or written comments were received during this petition at the Environmental Commission hearing of March 26, 1996.

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. The Bureau of Corrective Actions also solicited comments by mail from all certified consultants. No comments were received from affected businesses. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the State Environmental Commission hearing on March 26, 1996 with no changes made to the regulation. No changes were proposed during adoption of the regulation.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
 - a. There is no anticipated economic short or long term adverse impact on business. The public should not experience any anticipated long or short term adverse economic impact.
 - b. In addition, there would not be any long or short term anticipated economic benefit. No additional cost for enforcement is anticipated.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The consultant certification program is a state initiated program with no comparable federal program.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.

END OF STATEMENT FOR R-016-96

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

LCB R016-96

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

AUTHORITY: NRS 459.500

Section 1. Chapter 459 of NAC is hereby amended by adding thereto a new section to read as follows:

A holder of a certificate who is responsible for a service requiring certification shall ensure that each document relating to the service includes:

1. The following language:

"I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances."

2. A description of the services provided.

3. The signature of the holder of the certificate and date on which the document was signed.

4. The number of the certificate.

5. The date of expiration of the certificate.

Sec. 2. NAC 459.9717 is hereby amended to read as follows:

459.9717 The intent of NAC 459.970 to 459.9729, inclusive, **and section 1 of this regulation**, is to carry out the provisions of NRS 459.500 to protect persons who employ consultants concerning hazardous materials and wastes.

END OF LCB R016-96