

**BRIAN SANDOVAL**  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

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**STAFF**  
[John B. Walker](#)  
Executive Secretary

**Electronic Mail**

December 02, 2011

Ms. Brenda Erdoes, Legislative Counsel  
c/o Debra Corp  
Legislative Counsel Bureau (LCB), Legal Division  
401 South Carson Street  
Carson City, Nevada 89701-4747

**Re: Re-Drafting Request: Regulation R052-11, A Regulation Relating to  
Underground Storage Tanks**

Dear Ms. Corp:

On behalf of the State Environmental Commission (SEC) and the Division of Environmental Protection (NDEP) we would like to make a **special request of LCB**. In brief, and as noted in the attached email, we are requesting a redrafting of R052-11 -- to include consultation between LCB staff and a staff person from NDEP's Bureau of Corrective Actions.

We believe staff to staff consultation is necessary to promote efficiency in the re-drafting process. We have confidence this is necessary to expedite completion of the above referenced regulation, which is scheduled for consideration before the SEC at its February 15, 2012 regulatory hearing. We are making this request in an effort to meet federally required deadline for training underground storage tank operators.

The contact person at NDEP for consultation about this regulation is Mr. Scott Smale - 687-9384.

Sincerely,

*John B. Walker*

John B Walker  
Executive Secretary

JBW/jbw

**See Attached Email**

ecc: Dave Emme, Deputy Administrator NDEP  
Jim Najima, NDEP/BCA  
Scott Smale, NDEP/BCA

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Email from NDEP - 12/02/11

John,

The Underground Storage Tank program staff and I have reviewed the draft of proposed regulation R052-11, regarding UST operator training, prepared by the LCB and have found numerous substantive changes that prompt us to request a redraft by LCB. The substantive changes include the assignment of job functions and liability to operators as a result of designation under the regulation, a shift of liability for non-compliance away from owners of underground storage tanks, uncertainty regarding whether an owner can serve as a designated operator, the inability of unmanned facilities to meet operator training requirements, changes to the reciprocity provision with other states, training content for various operators, and the broadening of compliance infractions that could result in retraining requirements.

The NDEP has been very careful in the consideration of operator training requirements from both EPA guidelines and regulated community input, and we need to make sure that the regulations allow us to develop an effective program that does not represent an undue burden to our UST operators. We request the opportunity to discuss these issues with the LCB during redrafting to ensure that our intentions are reflected in the redraft.

Thank you for your assistance.

---Scott Smale  
Bureau of Corrective Actions, NDEP  
(775) 687-9384