

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature:

Name: Rebecca J. Bodnar

Address: 901 S. Stewart Street, Suite 4001

E-mail Address: rebecca.bodnar@ndep.nv.gov

Telephone Number: 775-687-9545

Date of Petition: March 14, 2022

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

Jeffrey Kinder

Digitally signed by Jeffrey Kinder

Date: 2022.03.17 16:11:53 -07'00'

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP), which is a division of the Nevada Department of Conservation and Natural Resources (DCNR) of the State of Nevada.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

The regulation amendment increases fees for the Division for certifying individuals as an environmental manager (NAC 459.972), a handler of underground storage tanks (NAC 459.9722), a tester of underground storage tanks (NAC 459.9723), or as a provider of approved underground storage tank training programs (NAC 459.97232). The biennial renewal fee is also increased (NAC 459.9728). The proposed fee increase is from the current fee of \$100 to \$150. These fees have not been increased since adoption of the regulation in 1991; and represent approximately 70% of the estimated increase per the National Consumer Price Index. Additionally, the regulation amendment increases the examination fee for certification from \$150 to \$200, this represents approximately 60% of the estimated increase per the National Consumer Price Index. Finally, the regulation amendment retains the qualification requirement in NAC 459.972.3(a) that requires "A bachelor's or advanced degree from an accredited college or university..."; but eliminates NAC 459.972.3 (b) "A relevant professional registration or certification recognized by the Division and at least 3 years of relevant environment experience within the 5 years immediately preceding the date of the application" and NAC 459.972.3(c) "An equivalent combination of appropriate education or experience, or both as determined by the Division". Also, NAC 459.9728 is amended to require holders of a certificate to complete 24 continuing education credits (CEUs) within two years before the renewal of their application.

4. A statement of the need for and purpose of the proposed regulations:

The requested increase in fees will support the Division with implementation of this program. Additionally, NDEP underwent a program audit from July 2020 through November 2020 from the Governor's Finance Office, Division of Internal Audits (DIA). The recommendations from this audit were presented to the Executive Branch Audit Committee on January 28, 2021 in DIA Report No. 21-04. One of the recommendations was: "Strengthen Certified Environmental Manager Certification Requirements - Strengthening CEM certification requirements will ensure individuals hired to manage remediation projects have a strong working knowledge of geological and engineering principles needed to carryout remediation projects." The DIA also concluded that certification standards in other states suggest that Nevada's certification and renewal requirements are not as robust with no retesting or continuing education requirements.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

The regulation amendment would cost an individual an additional \$50 for certification (a total of \$150) and an additional \$50 for biennial renewal (a total of \$150). CEU hours are equivalent to hours of work; and the cost to an individual would be 12 hours/year of their time. There are qualifying CEU classes offered at no cost.

(1) Both adverse and beneficial effects:

No adverse effects are anticipated. Additional funding for NDEP staff and supplies is necessary for continued implementation of the program. Additionally, the proposed changes to the qualification requirements and the requirement of CEUs will strengthen certification requirements.

(2) Both immediate and long-term effects:

The effects of the regulatory amendment are continued implementation of the certification program; and will strengthen certification requirements in the long-term.

(b) Estimated economic effect on the public:

There is no anticipated economic effect on the public.

(1) Both adverse and beneficial effects:

No adverse effects are anticipated. Strengthening certification requirements ensures qualified individuals are hired who are responsible for the management of hazardous substances and hazardous waste.

(2) Both immediate and long-term effects:

The effects of the regulatory amendment are continued implementation of the certification program; and will strengthen certification requirements in the long-term.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

There is no additional cost to the Division for enforcement of the proposed regulation.

6. A description of any regulations for 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:

The proposed regulation does not overlap or duplicate any other regulations.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

This regulation is authorized and required by NRS 459.500 and is not the subject of any federal regulation that regulates the same activity.

8. 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 amendment would increase the initial application and biennial renewal fee from \$100 to \$150 for all certified individuals. Currently, there are 568 certified individuals; with each individual renewing every two years, revenue will increase by \$28,400 over a two year period for a total fee collection of \$85,200 over a two year period. This does not include the additional \$50 (or a total of \$150) fee collected at the time of initial certification. Additional funding for NDEP staff and supplies is necessary for continued implementation of the program.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.