





NEVADA STATE ENVIRONMENTAL COMMISSION

SEC Regulatory Meeting

 TIME	 LOCATION
July 1, 2020 9:00 a.m.	In accordance with Governor Sisolak's Emergency Directive 006; Subsection 1, this hearing was conducted via Lifesize. https://call.lifesizecloud.com/3886496

SEC members present:

Chair Jim Gans
Vice-chair Tom Porta
Commissioner Cary Richardson
Commissioner Mark Turner
Commissioner Tim Wilson
Commissioner Kathryn Landreth
Commissioner Jennifer Ott
Commissioner Mike Visher
Commissioner Kacey KC
Commissioner Tony Wasley

SEC staff present:

Henna Rasul, legal counsel
Valerie King, executive secretary
Jessica Lunz, recording secretary

Public present:

Brad Crowell
Leo Drozdoff
Jason King
Allen Biaggi
Zoey Armayo
John Hadder
Glenn Miller
Houston Kempton
David Von Segger

Nevada Division of Environmental Protection staff present:

Greg Lovato
Jennifer Carr
Jeff Kinder
Kristen Burke
Stephanie Simson
Matt McDaniel
Rebecca Zimmerman
Lisa Kremer
Daren Winkelman
Skylar Jones
Mike Ruffner
Annalyn Settelmeyer
Mike Richardson
Paul Eckert
Danilo Dragoni
Elizabeth Kingsland
Katrina Pascual
Joe Sawyer
Rob Kuczynski
Aimee Keys
Brendon Grant
Jim Balderson

In these minutes:

- [Call to order, roll call, establish quorum](#)
 - [Public comments](#)
 - [Approval of December 4 meeting minutes](#)
 - [Permanent regulatory petition R084-19: Bureau of Sustainable Materials Management](#)
 - [Permanent regulatory petition R120-19: Bureau of Air Quality Planning and Air Pollution Control](#)
 - [Permanent regulatory petition R121-19: Bureau of Water Pollution Control](#)
 - [Permanent regulatory petition R018-20: Bureau of Mining Regulation & Reclamation](#)
 - [Permanent Regulatory Petition R050-20: Bureau of Safe Drinking Water](#)
 - [Administrator's briefing to the commission](#)
 - [Public comments](#)
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Begin summary minutes

1) Call to order, roll call, establish quorum (Discussion)

The meeting was called to order at 9:00 a.m. by Chair Jim Gans. Executive Secretary Valerie King confirmed that the hearing was properly noticed and that a quorum was present.

2) Public comments

Val King noted that this would be the last meeting Chair Jim Gans would be attending as a State Environmental Commission (SEC) member.

Several meeting participants gave their well wishes to Chair Jim Gans.

3) Approval of December 4 meeting minutes (Action item)

Commissioner Mike Visher stated he had one clarifying comment. In agenda item four, the first two references to the operator were misspelled. Commissioner Visher said it should read Western States Gypsum.

Motion: Commissioner Visher moved to approve the minutes. Commissioner Kathryn Landreth seconded the motion, and it passed unanimously.

Regulatory Petitions

4) Permanent Regulatory Petition R084-19: Bureau of Sustainable Materials Management (Action item)

Darren Winkelman, chief of the Bureau of Sustainable Materials Management (BSMM), provided a regulation package with updates to the hazardous waste program and the Federal Resource Conservation and Recovery Act, known as RCRA. Mr. Winkelman then introduced Skylar Jones, program development coordinator for BSMM's Solid Waste Branch.

Ms. Jones outlined the presentation ([Attachment 1](#)) from the Nevada Division of Environmental Protection (NDEP):

- What the regulatory petition is requesting and why it is needed;

- An overview of the proposed regulatory amendments, including adopt by reference, updates to state regulations, and changes from federal regulations; and
- A summary of outreach activities (including roundtables and workshops), how the activities were conducted, and what comments the public made.

Ms. Jones also addressed the impacts of the regulation changes, including small business impacts and state authorization. She said a path forward will be discussed after the hazardous waste regulations are updated.

Ms. Jones said the proposed regulation amendment is needed to align the state program with current federal hazardous waste regulations. Nevada is an authorized state, making it the permitting and compliance authority for hazardous waste in the state, in lieu of the U.S. Environmental Protection Agency (EPA). Ms. Jones said the process ensures national consistency while providing flexibility to states in implementing rules. The Nevada program regulates about 1,900 facilities. She says to continue operating the program, Nevada's regulations must remain consistent with federal regulations.

Ms. Jones said the main component of the regulatory petition is adopt-by-reference regulations. Nevada adopts its hazardous waste regulations by reference, meaning it adopts a version of the federal regulations as they existed on a certain date. Currently, Nevada's hazardous waste program operates under title 40 of the Code of Federal Regulations, specifically:

- Part 2, subpart A;
- Part 124, subparts A, B and G;
- Parts 260 to 270 inclusive; and
- Part 273 and part 279, as they existed on July 1, 2008.

Ms. Jones proposed that Nevada adopts the same federal regulations by reference as they existed on July 1, 2018. This includes 10 years of updates to the regulations. She said no concerns about the updates were raised during outreach events.

She explained that the reason for such a large gap in adoption is due to many years of federal delays in finalizing some of the major rulings. For example, the generator improvements rule and the definition of solid waste rule were not finalized until 2016 and 2018, respectively.

Ms. Jones then addressed housekeeping items that were a result of the adopt-by-reference updates and changes that occurred over the last 10 years. She said the updates clarify existing regulations and reduce the burden on the regulated community.

The first update removed the requirement to send copies of hazardous waste manifests to the state. She said this was an additional state requirement that is no longer necessary with the industry transitioning to electronic manifesting. All manifests are now viewable in a federal hazardous waste database, eliminating the need to keep physical copies.

The second update to the hazardous waste regulations includes the recognition of electronic documents. The state program has requirements for facilities to keep written records of documents on site. Ms. Jones said these written records can now include electronic documentation.

Ms. Jones added that NDEP removed a provision directing a facility to apply for a variance from federal hazardous waste regulations. She said having these provisions written into state regulation only causes confusion, since the EPA approves an application for a variance. She said removing the provision provides clarity for regulated entities and does not affect the state hazardous waste program.

Ms. Jones clarified that there are provisions in the adopt-by-reference regulations that the state is not required to adopt. She said these provisions are less stringent to the current state program, or not

applicable. She added that during public outreach, there were comments or concerns about excluding the provisions.

Ms. Jones discussed outreach activities that began in June of 2019. They included a set of roundtable workshops at six different locations around the state. A total of 49 people attended the workshops. The discussions revolved around enforcement procedures. Ms. Jones said only one negative comment was received regarding new standards for episodic generators. After discussion, NDEP decided to adopt the provision.

Ms. Jones added that NDEP found no economic impact from adopting the proposed regulations. She said if the regulations are not adopted, Nevada could lose its authorization.

Chair Jim Gans asked commissioners for questions or comments. Commissioner Kathryn Landreth asked if the adopted regulations would be any less stringent than the current regulations. Ms. Jones answered that none of the proposed regulations were less stringent.

Chair Gans then asked for more details about the negative comment received during outreach activities. Ms. Jones replied that NDEP was not planning to adopt the episodic generator provisions. She said after the feedback, NDEP took a closer look at how to implement the provision in Nevada. Mr. Winkleman added that after review, NDEP decided to adopt the provision.

Chair Gans asked if there were any other comments. Ms. Zoey Armayo asked about the summary of the presentation, and if the information was available online. Ms. Jones stated the materials were on NDEP's website. Ms. Armayo said episodic generation will be extremely beneficial, and thanked Ms. Jones.

Chair Gans asked if the commissioners had any more comments. There were none. He then asked for a motion on the item.

Motion: Commissioner Kacey KC made a motion to adopt the regulatory petition under R084-19. Commissioner Mark Turner seconded the motion, and it passed unanimously.

5) Permanent Regulatory Petition R120-19: Bureau of Air Quality Planning and Air Pollution Control (Action item)

Danilo Dragoni, chief of the Bureau of Air Quality Planning, proposed to adopt by reference certain federal regulations. He said the amendment aligns state regulations with federal regulations, particularly the New Source Performance Standard and the National Emissions Standard for Hazardous Air Pollutants. By adopting these federal regulations, the Nevada Division of Environmental Protection (NDEP) can work with the U.S. Environmental Protection Agency (EPA) to enforce compliance in Nevada.

Mr. Dragoni clarified that the regulating industry already meets the proposed standards. He added that NDEP reviews federal rules before they are brought to the board for adoption.

Chair Jim Gans asked for questions from the commission. Commissioner Kathryn Landreth asked if adopting the regulations would result in lower standards. Mr. Dragoni asked if she was talking about a specific rule or in general. Commissioner Landreth then asked if the regulations would align Nevada with rollbacks at the federal level. Mr. Dragoni answered that some of the amendments passed by the EPA could be seen as rollbacks, but that the federal regulations already apply to Nevada. He said adopting the regulations by reference would let NDEP implement them in the state. Commissioner Landreth asked why Nevada could not maintain its current regulations and still have delegated

authority. Mr. Dragoni said NDEP would not have regulatory authority to implement and enforce federal rules that do not exist anymore. Commissioner Landreth then asked if Nevada loses authority if the regulations are not adopted. Mr. Dragoni noted that NDEP Deputy Administrator Jeff Kinder wanted to speak.

Mr. Kinder said the EPA makes changes each year. He added that if NDEP finds a regulation that affects air quality, Nevada would not be forced to adopt it. Commissioner Landreth asked if NDEP had reviewed these regulations individually to see if air quality in Nevada would be affected adversely in any way. Mr. Kinder answered that the adoptions would not impact air quality standards.

Chair Gans asked if anyone else had any comments or questions. Vice-chair Tom Porta said the state has the option to adopt certain sections of the federal regulations. Mr. Dragoni agreed with Vice-chair Porta, adding that NDEP reviews each federal rule to see if it applies to Nevada's industry. Rules that do not apply are not usually adopted. Chair Gans asked if the agenda item included some or all of the federal regulations. Mr. Dragoni answered that the proposed regulations only included those necessary or useful to Nevada.

Chair Gans asked if there were more comments. There were none. He then asked for a motion on the item.

Motion: Vice-chair Porta made a motion to adopt the air quality under R120-19. Commissioner Tim Wilson seconded the motion, and it passed unanimously.

6) Permanent Regulatory Petition R121-19: Bureau of Water Pollution Control (Action item)

Katrina Pascual, supervisor for the Bureau of Water Pollution Control, presented the proposed regulations ([Attachment 2](#)). She clarified that it was an update to the wastewater operator certification program. She said she brought the certification changes to the board two years prior. Several updates were made, including:

- Adding continuing education;
- Creating continuing education standards; and
- Updating fees to fund the program.

After the program was approved, the Nevada Division of Environmental Protection (NDEP) later surveyed wastewater operators in the state to see how the program was going. Ms. Pascual said the comments were used to draft updated regulations. Workshops were then held across the state to discuss the regulations. She said there was a complaint about the number of contact hours required for certification. NDEP concluded that the number of required hours for grade 1 and grade 2 certification would be reduced by 10 hours.

Ms. Pascual said there were other complaints made regarding restricted certifications. She said regulations were updated to allow operators to renew their restricted certifications and that operators could either: (1) stay with the old program and retest when the certification expires; or (2) renew the certification after completing additional contact hours and paying a renewal fee.

Ms. Pascual added that another comment was made about facultative ponds. She said many facilities were confused with plant classification and that NDEP has since added a regulation stating facultative ponds now fall under Plant Classification 1.

Chair Jim Gans asked if the commissioners had any questions. There were none. Chair Gans then asked

for more clarification on the changes to facultative ponds. Ms. Pascual said all plants in Nevada are classified 1 through 4. She restated that facultative ponds now fall under Plant Classification 1.

Chair Gans then asked for a definition of contact hours. Ms. Pascual explained that a contact hour is an hour spent in class learning about wastewater treatment. The classes include:

- Online webinars;
- Community college credits;
- State-sponsored training; and
- Facility-hosted classes and safety courses.

Chair Gans asked who verified contact hours if facilities hosted classes internally. Ms. Pascual replied that the trainer in the class would have to submit a course to Nevada Water Environment Association (NWEA), which is contracted by NDEP to run the program. A certification board also reviews the agenda and course description. Chair Gans asked for more information about NWEA, recalling that in a previous meeting, there were concerns the contractor was unable to provide enough training courses. Ms. Pascual stated NWEA has been trying to create more educational programs. Chair Gans asked if concerns with NWEA had been addressed. Ms. Pascual stated they were.

Chair Gans thanked staff for working to improve the program. Ms. Pascual said NDEP is working to create a program that works for everybody.

Chair Gans then asked if commissioners had any questions. There were none. He then asked for public comments. There were none. Chair Gans finally asked for a motion on the item.

Motion: Commissioner Kathryn Landreth made a motion to adopt the regulations under R121-19. Commissioner Tim Turner seconded the motion, and it passed unanimously.

7) Permanent Regulatory Petition R018-20: Bureau of Mining Regulation and Reclamation (Action item)

Joe Sawyer, chief of the Bureau of Mining Regulations and Reclamation (BMRR), presented a petition ([Attachment 3](#)) to revise water pollution control regulations. He said the changes help facilitate the Nevada Division of Environmental Protection's (NDEP) review of technical documents for mining facilities on public lands. He added the new process will minimize conflicts with federal agencies and expedite the water pollution control permitting process.

Mr. Sawyer continued, saying the revisions also clarified:

- Permit fees;
- Operator responsibilities;
- Planning and permitting; and
- Facility modifications.

Mr. Sawyer also proposed repealing three underused regulations related to pilot testing and small-scale facilities.

NDEP made revisions based on comments from the mining industry. Three workshops were held in March to discuss the revisions. A total of 15 people attended. No changes were made following the workshops.

Mr. Sawyer then introduced Rob Kuczynski, supervisor of the BMRR Regulation Branch. Mr. Kuczynski summarized several proposed regulations.

Section 1: A person submitting a permit application to (a) construct, operate, and close a mining facility or (b) undergo a major modification or renewal of an existing facility may submit technical documents to NDEP for pre-application review. Section 1 also requires a \$1,500 fee for the review.

Sections 3, 5 and 6: The proposed revisions formalize NDEP's practice of (a) reviewing documents, (b) characterizing a mining operation, and (c) evaluating potential impacts to waters of the state in coordination with the National Environmental Policy Act (NEPA).

Mr. Kuczynski added that current state and federal permitting timelines are not aligned. He said the issue could lead to NDEP spending considerable resources reviewing a permit application that is never approved. He stated that the proposed revisions will allow NDEP to coordinate state and federal reviews and collect an appropriate fee for services rendered.

Section 7: The amendment requires discussion between the applicant and NDEP before a permit application is submitted.

Mr. Kuczynski said the discussion will give the applicant and NDEP a clear understanding of how the application will move forward.

Section 8: The amendment eliminates abbreviated permit applications for small-scale facilities using chemical separation methods.

Mr. Kuczynski said all facilities using chemical separation methods must follow the same permit application requirements. This ensures that NDEP can adequately evaluate the potential of the facility to degrade waters in the state. He clarified that Placer mining facilities using physical separation methods may still submit abbreviated applications.

Section 10: The amendment provides examples of modifications to a permitted facility – called engineering design changes – that do not require a new public notice.

Mr. Kuczynski said NDEP recognized the need to provide examples after requests from the mining industry. He said the amendment helps eliminate ambiguity.

Section 11: The amendment clarifies the laboratory analytical methods that are acceptable for characterizing ore and other mined materials and their ability to release pollutants.

Mr. Kuczynski said material characterization is required as part of the permit application. He stated NDEP has established guidelines for acceptable methods and that the change clearly lists the acceptable methods.

Section 12: The amendment lists the information that must be included with an application to renew a permit.

Mr. Kuczynski said the change gives NDEP and the public accurate information throughout the life of a facility.

Section 13: The amendment updates the information that must be included with reports documenting construction or modification of permitted facility components.

Mr. Kuczynski said the clarifications give NDEP the information needed to evaluate compliance with permitting and regulatory requirements.

Section 15: The amendment would repeal three regulations: (1) the definition of a pilot facility; (2) the definition of a small-scale facility; and (3) the permit application requirements for small-scale facilities.

Mr. Kuczynski said regulations for pilot facilities have been repealed, so the definition is no longer needed. He also noted that the regulations for small-scale facilities are no longer needed, as all mining

facilities that employ chemical processing methods, regardless of size, are subject to the same permit application requirements.

Mr. Kuczynski then asked Ms. Aimee Keys, supervisor of the BMRR Closure Branch, to summarize additional proposed regulations.

Section 2 (a): The amendment revises permit fee categories to include a new category for mining facilities in permanent closure that have completed physical closure activities but have not yet demonstrated chemical stability.

Ms. Keys said such facilities do not clearly fall into existing permit fee categories and their fee assessments have been inconsistent.

Section 2 (b): The amendment also changes a fee category from monitoring of “closed facilities” to “post-closure monitoring.”

Ms. Keys stated the revision eliminates ambiguity by referring to the term defined in the regulation.

Section 2 (c): The amendment also removes a reference to pilot testing facilities.

Ms. Keys said the revision is a cleanup action based on the recent repeal of regulations applying to pilot scale facilities.

Section 4: The amendment updates the definition of a permit to state that the responsibilities and obligations of the permit holder apply during the post-closure monitoring period.

Ms. Keys said the language was implied when the definition of post-closure monitoring was added to regulation in 2018. The revision is just a clarification.

Section 9: The amendment states conceptual closure plans must be kept consistent with facility plans for reclamation and the actual site conditions.

Ms. Keys said the conceptual closure plans are required by current regulation to provide enough data to support the plan for reclamation. The revision clarifies that the plans must remain current and consistent with one another. It also requires the conceptual closure plan be updated when revisions to the reclamation plan impact the closure plan.

Section 14: The amendment clarifies that NDEP may require revision of approved final plans for permanent closure if new information indicates that the plan will not achieve closure goals.

Chair Jim Gans then asked for comments from the commissioners. There were none. He asked if there was anything in the regulations that related to the Mount Hope project. Mr. Sawyer stated there was nothing that directly involved the Mount Hope project.

Commissioner Mike Visher asked if staff could clarify the meaning of permitted rate and whether it was a maximum rate, a design rate, or a range. Mr. Kuczynski stated it was the maximum permitted rate.

Mr. Visher then asked for examples of facility modifications that do not require a public notice. Mr. Kuczynski responded that either a change to containment, a reduction in operational throughput, or a change in technology would not require a public notice.

Commissioner Visher asked how monthly averages in rainfall were calculated for a 500-year period. Ms. Keys stated that the closure plans must reflect the ability to withstand the 500-year, 24-hour storm event.

Chair Gans asked if there were any additional comments from the commission. There were none. He then asked for public comments. Allen Biaggi, representing the Nevada Mining Association, said the

association supports the regulatory package. He thanked NDEP for outreach efforts and said the association appreciates the ability to perform pre-application reviews.

Mr. Biaggi continued, saying there was a minor issue with the definition of what constituted technical documents. He asked whether the \$1,500 fee applied to the larger body of a permit modification, a permit renewal, or a new permit. Chair Gans asked if anyone had a problem with the fee or how it was applied. Mr. Biaggi said there was no problem with the fee. He added that a mining operation does not have to go through the pre-application review; however, the review vastly speeds up the time for permitting and ensures the best application possible is submitted.

Chair Gans asked if there were any other comments. John Hadder, director of Great Basin Resource Watch (GBRW), stated that GBRW was unable to attend the workshops. He thanked NDEP for meeting with GBRW virtually.

Mr. Hadder then said the pre-application process could give the public more time to review the documents. He added that questions about the language in the regulation were answered by NDEP.

Valerie King asked if there were any more comments from the public. There were none.

Chair Gans then asked for a motion on the item.

Motion: Commissioner Landreth made a motion to adopt regulations under R018-20. Commissioner Visher seconded it, and it passed unanimously.

8) **Permanent Regulatory Petition R050-20: Bureau of Safe Drinking Water** (Action item)

Brendon Grant, staff professional engineer for the Bureau of Safe Drinking Water, presented a proposal ([Attachment 4](#)) to modify regulations for public water systems in Nevada. The regulations dictate how an engineer stamps, signs, and dates documents. Mr. Grant said the use of a rubber stamp is outdated and causing frustration in the regulated community.

Mr. Grant then described the difference between a wet signature, an electronic signature, and a digital signature.

Wet signature: signing a document with a pen. A wet signature is legally binding.

Electronic signature: an image of a signature. An example would be if a person signed a blank sheet of paper, scanned the paper, then placed the signature on a document. An electronic signature is easy to copy and is not legally binding.

Digital signature: an encrypted signature sent electronically to the recipient. The recipient can verify the identity of the sender. A digital signature is legally binding.

Mr. Grant outlined the current regulations. He said state engineers must sign and date each sheet of the submitted plan set. The Nevada Division of Environmental Protection (NDEP) requires two copies of plan sets, specifications, and design reports for every submittal and resubmittal, as well as a PDF version of the plan set. Mr. Grant said it takes a considerable amount of time to sign and date plan sets.

Mr. Grant stated the proposed revisions would align NDEP with the Nevada Board of Engineers. He said the revisions would give engineers more flexibility to submit plan sets.

Mr. Grant continued, saying NDEP held a virtual workshop to discuss the proposed revisions. Around 50 people attended the workshop. He said there were no comments about the revisions, and feedback was

positive.

Mr. Grant added that the changes create a stronger working relationship between NDEP and the Nevada Board of Engineers. Eventually, both organizations hope to have all plan sets submitted electronically.

Chair Jim Gans asked if there were any questions, comments, or concerns from the commission. Commissioner Tim Turner stated his support for the revisions, saying it would streamline the process.

Commissioner Cary Richardson agreed with Commissioner Turner's comments. He added that the industry is moving in a similar direction.

Chair Gans asked if plan set sheets ever become disjoined from the master set. Commissioner Turner stated he had not seen that happen. Chair Gans asked the same question of staff. Mr. Grant stated he does not see it becoming an issue. Jim Balderson added that it would be rare.

Chair Gans asked if there were any other comments or questions from commissioners. There were none. He then asked for public comments. There were none. Finally, he asked for a motion on the item.

Motion: Commission Turner moved to approve R050-20. Commissioner Richardson seconded the motion, and it passed unanimously.

9) **SEC Update Regarding Eureka Molly LLC's Mount Hope Mining Project** (Discussion)

Valerie King began by reminding the public that comments will be taken after the presentation. She then provided some background for the agenda item.

Ms. King said in September of 2019, a three-member panel of the State Environmental Commission (SEC) heard an appeal to a permit for the Mount Hope project. The SEC ruled in favor of NDEP to issue the permit. The panel directed NDEP to meet with Great Basin Resource Watch (GBRW) to discuss three issues:

- Alleged pit lake water quality model algorithm errors;
- The hydraulic conductivity value of a base layer for the wastewater disposal facility; and
- Pros and cons of potential legislative initiatives regarding pit lakes, including setting beneficial use standards for future pit lakes.

Chair Jim Gans stated the panel for the appeal hearing was balanced. He continued by saying the SEC must stay within the law. Chair Gans acknowledged a disagreement with GBRW regarding facility modeling. He noted that laws need to be changed at the legislative level. He then reiterated that no action would be taken on the agenda item at the meeting.

John Hadder, with GBRW, stated that meetings with NDEP were fruitful. He said GBRW disagrees with NDEP designating mining pit lakes for beneficial use. He said water in pit lakes is lost to the basin. Mr. Hadder added that the Mount Hope site will create a water pollution management problem. He called for improved transparency through public engagement and an intended review of the permitting process.

Mr. Hadder stated that NDEP informed the SEC that designating beneficial use for pit lakes was not under the SEC's purview. He then stated that state regulations do give the SEC authority to establish beneficiary use. Mr. Hadder also suggested energy projects or reclamation efforts for pit lakes.

Mr. Hadder continued by stating that designating a beneficial use earlier in the permitting process would clear up uncertainty when modeling a facility.

Chair Gans asked the commission for any questions, comments, or concerns. There were none. He then asked Glenn Miller to speak next.

Mr. Miller, retired from the University of Nevada, stated that regulations are needed to grant access to pit lakes and promote their beneficial use. He said no beneficial uses are established when a mining company closes a site. Mr. Miller said companies that create pit lakes must work to improve their beneficial uses.

Chair Gans asked if there were any comments or questions for Mr. Miller from the commission. There were none. Chair Gans then asked Houston Kempton to speak.

Mr. Kempton agreed that meetings with NDEP have been productive. He then addressed a comment Vice-chair Porta made in December of 2019. He said any external expert brought in would not have authority in any decisions, but would help facilitate conversations between GBRW and mining operators and mining consultants. Mr. Kempton then stated that there was adequate uncertainty with facility model forecasts.

Chair Gans asked if there were any questions or comments for Mr. Kempton. There were none.

Mr. Hadder then acknowledged a previous attempt to change legislation addressing pit lakes. He called for the problem to be resolved by the SEC. He stated that GBRW would work with the legislature but felt that the authority lies with the SEC.

Ms. King stated that NDEP Administrator Greg Lovato would speak next.

Mr. Lovato stated that after a meeting with GBRW, NDEP concluded that further evaluation of pit lake beneficial uses belonged with the legislature. He added that future uses of pit lakes also raises concerns about land use and water rights. He said the interrelated factors can only be addressed through legislative action.

Mr. Lovato then stated that because water quality standards for pit lakes were met, the SEC upheld the permit renewal for the Mount Hope project. He also stated that the SEC's decision regarding the inner bay of Lake Mead demonstrated why the SEC is careful about designating beneficial uses when safety and other concerns are factors.

Mr. Lovato concluded by saying that more involvement from stakeholders, federal agencies, industry experts, and interested parties is needed.

Chair Gans asked if there were any questions for Mr. Lovato. There were none. Chair Gans then asked Joe Sawyer to speak.

Mr. Sawyer, chief of the Bureau of Mining Regulations and Reclamation (BMRR), said NDEP and GBRW conducted and shared in-depth reviews of several pit lake models developed for other projects. The models were compared against the Mount Hope project. Mr. Sawyer said the Mount Hope pit lake models were in line with current modeling practices used by the scientific community.

Mr. Sawyer then addressed the design of the Mount Hope waste drop facility. NDEP agreed with GBRW that some waste material could flow into underlying materials and the groundwater. After discussions with GBRW, NDEP agreed to have the Mount Hope site update its waste drop management plan.

Chairman Gans asked if there were any questions for Mr. Sawyer. There were none. Mr. Miller then asked to speak.

Mr. Miller stated the legislature needs to look at establishing beneficial use for pit lakes. He asked the SEC to recommend that the legislature look at the issue.

Commissioner Visher then asked for clarity on the regulations regarding pit lakes.

Mr. Lovato answered that NDEP has a specific role when it comes to beneficial use *standards* and beneficial use *designations*. He said NDEP places standards on bodies of water based on existing beneficial uses. He again referred to the inner bay of Lake Mead, noting that NDEP's proposal for water quality standards did not change what the landowner could use the water body for.

Chair Gans added that he did not agree with Mr. Hadder and Mr. Miller's interpretation of the regulation regarding beneficial use designation.

Vice-chair Tom Porta then asked to speak. He said NDEP is open to reviewing all forms of information. He added that while models for Mount Hope differed between NDEP and GBRW, NDEP has the final say in permitting decisions.

Vice-chair Porta continued by saying not all bodies of water in Nevada have a beneficial use. He noted that the SEC proposed a beneficial use and water quality standards for Walker Lake. Those regulations were struck down in the legislature. Vice-chair Porta concluded by saying more direction from the legislature is needed.

Chair Gans then asked for public comments.

David Von Segger, representing the Toiyabe Chapter of the Sierra Club, stated that having perpetual pit lakes with no potential for a beneficial use is unacceptable. He added that it is an injustice to future generations and a flaw in the stewardship of natural wildlife. Mr. Segger said the Sierra Club supports recommendations from GBRW.

Chair Gans asked if there were any comments or questions for Mr. Segger. There were none. He then asked for any other public comments. There were none. He finally asked to open discussion in general.

Chair Gans said the SEC and GBRW want the same thing. He asked that both parties continue to work together to find a way forward in regard to regulating pit lakes.

Vice-chair Porta stated the SEC wants what is best for Nevada and its residents. He said NDEP and GBRW can work together to have a stronger voice when bringing the issue to the legislature.

Vice-chair Porta agreed with Mr. Segger's points about pit lakes. He also agreed that all parties can work together on the issue.

Commissioner Kathryn Landreth said an opinion from the attorney general may be needed to clarify if the regulations fall under the purview of the SEC or the legislature.

Chairman Gans asked that GBRW does not look at the SEC as an enemy.

Mr. Hadder stated that the discussion was appreciated. He clarified that GBRW only wanted to understand the language of the regulation.

Mr. Hadder added that the public should know the difference between water quality standards and established beneficial uses for pit lakes. He concluded by saying GBRW will continue working with NDEP on the issue.

Chair Gans then stated the SEC has authority in regard to the regulation, but that the law was unclear about when that authority could be exercised.

Mr. Lovato then added that anyone can petition the SEC for regulation change.

Chair Gans then concluded the discussion.

10) Administrator's briefing to the commission (Discussion)

Greg Lovato, administrator for the Nevada Division of Environmental Protection (NDEP), gave an update on the status of the Nevada Climate Initiative. He said the legislature and the governor have made addressing climate change and greenhouse gas emission a priority. NDEP is starting a process to adopt low-emission and zero-emission vehicle standards. The initiative is called Clean Cars Nevada.

Mr. Lovato said there will be an extensive stakeholder process. If there are revisions to the proposed regulations, they will go through the Legislative Counsel Bureau and formal workshops before being brought to the State Environmental Commission (SEC). If passed, the regulations would take effect with model year 2025 vehicles.

Mr. Lovato added that the Department of Conservation of Natural Resources is also submitting a climate strategy to the governor in December.

Chair Jim Gans asked if there were any questions or comments for Mr. Lovato. Commissioner Kathryn Landreth asked if the U.S. Environmental Protection Agency (EPA) is no longer regulating perchlorate. Mr. Lovato stated that public water systems regulated by the Safe Drinking Water Act do not have a limit on the amount of perchlorate allowed.

Mr. Lovato added that the EPA and NDEP clean up groundwater and surface water contaminated with perchlorate. He said cleanup at the former Kerr-McGee and PEPCON facilities in Henderson are continuing. He also stated that drinking water intakes at Lake Mead meet California and Massachusetts standards for perchlorate levels.

Commissioner Landreth said it was a complicated issue.

Chair Gans asked if there were any more comments from the public. There were none.

11) Public comments

Chair Gans asked if there was any additional public comment. There was none.

12) Adjournment

Chair Gans thanked everyone for their participation and adjourned the meeting.

ATTACHMENTS

ATTACHMENT 1: PowerPoint – Regulatory Petition R084-19

ATTACHMENT 2: PowerPoint – Regulatory Petition R121-19

ATTACHMENT 3: PowerPoint – Regulatory Petition R018-20

ATTACHMENT 4: Nevada Board of Engineers and Land Surveyors Newsletter and LCB Draft of Proposed Regulation

R085-18

ATTACHMENT 1:

PowerPoint – Regulatory Petition R084-19



Proposed Hazardous Waste Regulations

NAC 444

Permanent Regulatory Petition R084-19

Daren Winkelman, Bureau Chief
Skylar Jones, Program Development Coordinator
Michael Ruffner, Program Development Supervisor

State Environmental Commission Meeting
July 1, 2020



Greg Lovato
Administrator

Jennifer Carr
*Deputy
Administrator*

Jeffrey Kinder
*Deputy
Administrator*

Rick Perdomo
*Deputy
Administrator*

Bradley Crowell
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Presentation Outline

Introduction

- Why is this regulatory petition needed

Regulatory Amendment

- Adopt by Reference
- Updates to State Regulations
- Changes from Federal Regulations

Outreach Activities

- Round Tables
- Public Workshop
- Additional Public Outreach

Impact of Regulation Changes

Next Steps in Authorization Process

Closing and Questions



Why is this Regulatory Petition Needed?

The amendment seeks to:

1. Align the State program with current federal hazardous waste regulations (adopt by reference)
2. Address housekeeping items that clarify the existing regulations

State Authorization

State authorization is a rulemaking process that EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of EPA. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules.

Permanent
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R084-19

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Regulatory Amendment

Adopt by Reference

Currently, Nevada's hazardous waste program is authorized under 40 CFR Part 2, Subpart A, Part 124, Subparts A, B, and G, Parts 260 to 270 inclusive, Part 273, and Part 279, as they existed on **July 1, 2008**.

NDEP is proposing to adopt federal hazardous waste regulations by reference as they existed on **July 1, 2018** with some modifications.

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Regulatory Amendment

Updates to State Regulations

NDEP is proposing to update the following State regulations:

- The requirement to send copies of hazardous waste manifests to the State has been removed.
- A definition for the word “written” has been added to include the recognition of electronic documents (i.e. written record of inspection).
- The variance provisions that give procedures for a facility to apply for a variance from certain **federal** hazardous waste regulations has been removed.

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Regulatory Amendment

Changes from Federal Regulations

There are some regulations in the federal program that are **not required to adopt. NDEP is proposing not to include the following provisions in the adoption:**

- Exclusions under Definition of Solid Waste Rule
- Part 262 Subpart K: Academic Laboratory Generator Standards
- The Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration
- The Disposal of Coal Combustion Residuals from Electric Utilities Rule



Outreach Activities

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Outreach Activities

Round Tables

City	Date	Time	Place
Reno	July 15	10:30 am 12:30 pm	South Valley Library Reno
Winnemucca	July 16	10 am – 12 pm	Humboldt County Library Winnemucca
Elko	July 16	6 pm – 8 pm	Elko City Council Chamber Elko
Ely	July 17	9 am – 11 pm	White Pine High School Ely
Tonopah	July 18	10 am – 12 pm	Nye County Public Works Tonopah
Las Vegas	July 23	10 am – 12 pm	Grant Sawyer Building Las Vegas

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- Invitation sent out through the Listservs
- 49 Attendees
- Public Comment
 - Alternative Standards for Episodic Generation

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Public Workshop

November 13, 2019
10:00 AM

Bryan State Office Building
Great Basin Conference Room (4-South)
901 S. Stewart Street
Carson City, Nevada

Via Video to NDEP's Office in Las Vegas
Red Rock Conference Room
2030 E. Flamingo Road, Suite 230
Las Vegas, Nevada

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Notice of this meeting was posted at the following locations:
NDEP News and Public Notices page, SEC website, LCB website, and Nevada Public Notice website
Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City
State Legislative Building, 401 S. Stewart Street, Carson City
Nevada State Library and Archives, 100 S. Stewart Street, Carson City
Nevada Division of Environmental Protection, 2030 E. Flamingo Road, Suite 230, Las Vegas

- 34 Attendees
- Public Comments
 - During the public workshop, there were discussions regarding the requirements under the new rules, but no opposing comment was given.
 - There were no comments received after the public workshop.
 - Follow-up email: last call for public comment sent out on February 10, 2020.

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Outreach Activities

Additional public outreach

- Two Listservs to reach regulated community
 - Hazardous Waste Listserv (362 subscribers)
 - NV RCRA Program Listserv (1126 subscribers)

- UNR Business Environmental Program
 - Provide free and confidential assistance
 - Extensive listserv
 - Attended all public workshops so they could assist with regulation questions

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Impact of Regulation Changes in Nevada

Small Business Impact

- There are **no estimated economic impacts** on regulated businesses and industry, the public, or the enforcing agency (NDEP).
- The proposed regulation **does not** impose a direct or significant economic burden upon small businesses.
- The proposed regulation **does not** restrict the formation, operation, or expansion of small businesses.

Consequences if not adopted

- Lose State authorization to implement Nevada's hazardous waste program in lieu of the EPA

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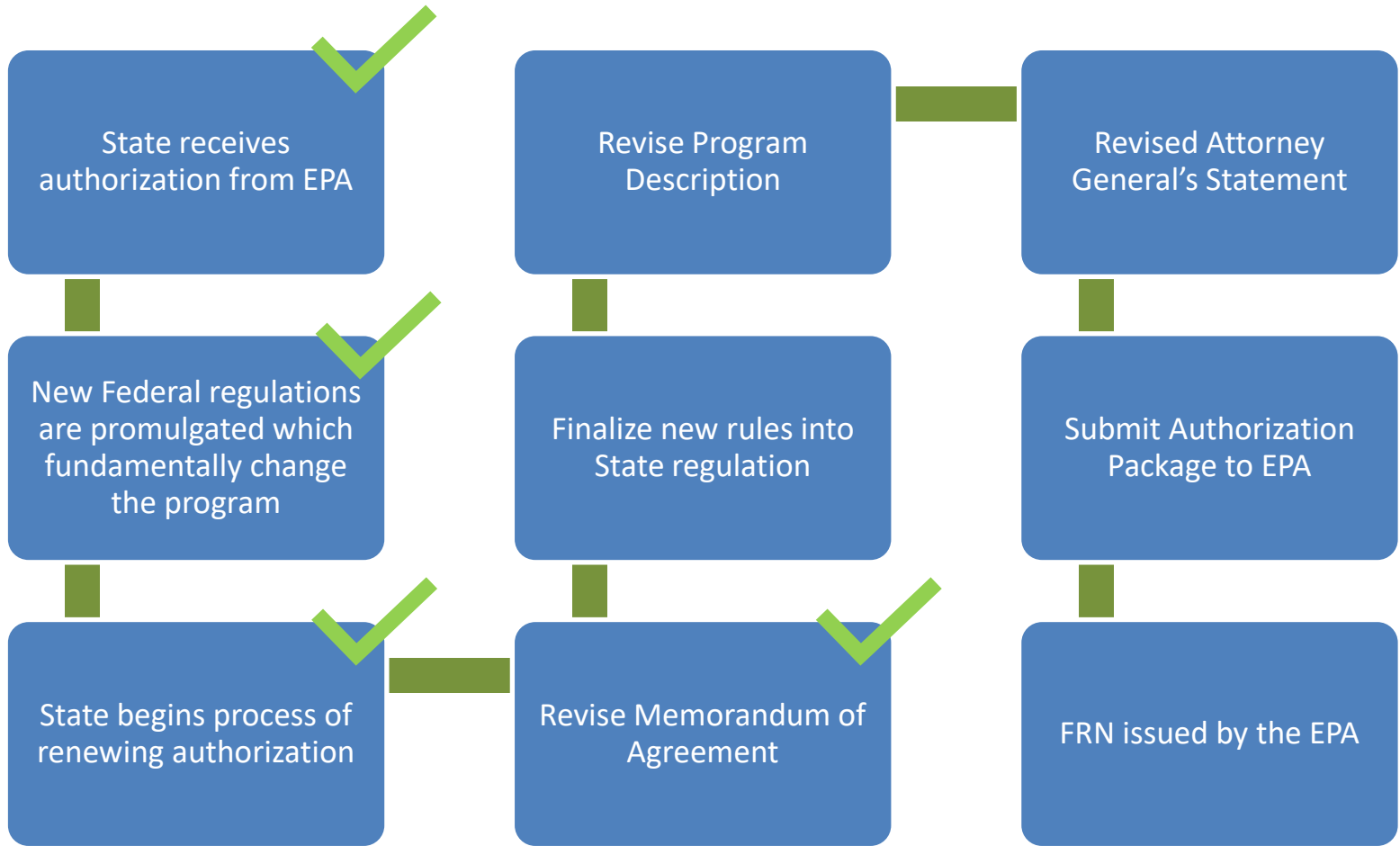
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Next Steps in Authorization Process

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Closing

The Nevada Division of Environmental Protection (NDEP) recommends that the State Environmental Commission adopt the regulatory petition R084-19 as proposed.



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Questions?

ATTACHMENT 2:

PowerPoint – Regulatory Petition R121-19



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



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Proposed Regulation

Katrina Pascual, *Supervisor*
Water Pollution Control

July 01, 2020
SEC Hearing

LCB File #R121-19

Wastewater Operator Certification

ndep.nv.gov



Background to Drafting Petition R121-19

- **February 21, 2018 – State Environmental Commission approved 2018 proposed Wastewater Operator regulation**
 - Approved with the condition to review the program in a year
- **May 16, 2018 – New Wastewater Operation Certification regulations were adopted by the LCB**
- **April 2019 - a survey was conducted and the results were presented to the SEC**
- **January 2020 - NDEP drafted the proposed regulation (R121-19)**

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NDEP Public Workshops

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- **Elko**

Tuesday, February 4, 2020

1:00 PM– 3:00 PM

City Council Chambers

- **Las Vegas**

Monday February 10, 2020

1:30 PM – 3:30 PM

Grant Sawyer Bldg., RM 1100

- **Carson City**

Friday February 7, 2020

10:00 AM– 12:00 PM

Bryan Building, 2nd Floor

Tahoe Hearing Room





Petition R121-19 – Initial Education

- **NAC 445A.2862:**
 - Grade I – **50** contact hours;
 - Grade II – **100** total contact hours;
 - Grade III – **100** contact hours plus two total postsecondary courses;
 - Grade IV – **100** contact hours plus four total postsecondary courses

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Petition R121-19 – Restricted Certificate

NAC 445A.2866:

Restricted Certificates will no longer automatically expire after five years

Restricted Certificates will be valid for two years after issuance

If you received a Restricted Certificate before now:

- Two Choices:
- (1) Expires after 5 years & Retest; or
- (2) Renewable within 2 years after now & get 5 contact hours for renewal

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Petition R121-19 – Contact Hours

Full Certificates:

- Grade 1: 5
- Grade 2: 10
- Grade 3: 15
- Grade 4: 20

Restricted Certificates: 5 contact hours

Restricted Certificates 2 to 4 can be renewed with the completion of 5 additional contact hours on top of the contact hours for the Full Certificate.

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Petition R121-19 – Decertification and Recertification

NAC 445A.2868:

- A Restricted Certificate is decertified when:
 1. Not renewed before the expiration date; or
 2. The holder's full certificate is decertified
- Once decertified, the operator may re-test at the previously held certification levels to reobtain certification

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Petition R121-19 – Certification Fees

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Initial full certificate	\$140	2 years
Initial full by Reciprocity	\$150	2 years
Renewal of a full certificate	\$110	2 years
Initial restricted certificate	\$90	5 2 years
Renewal of a restricted certificate	\$70	2 years
Conversion of restricted certificate to full certificate	\$70	
Reinstatement of a certificate	\$80	

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Petition R121-19 – NAC445A.289

- **NAC 445A.287: The addition of Facultative Ponds in the table for Plant Classification I**

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Treatment Process	Plant Classification
Stabilization Ponds, <i>Facultative Ponds</i> , or Lagoons	I
Primary Treatment (settling, grit removal, etc.)	
Fixed Film Treatment (e.g., trickling filters, etc.) for BOD Removal	II
Activated Sludge (without nitrogen removal and <20,000 gallons per day)	
Solids Treatment (thickening/dewatering)	
Fixed Film Treatment (e.g., trickling filters)	

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Petition R121-19 – Grandfathering

If you received a Restricted Certificate before now:

Two Choices:

- (1) Expires after 5 years & Retest; or
- (2) Renewable within 2 years after now & get 5 contact hours for renewal

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ATTACHMENT 3:

Regulatory Petition R018-20

Proposed Changes to Nevada Administrative Code for Mining Facilities (NAC 445A.350-447) LCB File No. R018-20

Joe Sawyer, Rob Kuczynski, Aimee Keys
Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation



July 1 2020 | SEC Hearing

ndep.nv.gov



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NAC 445A.350 – 447 Proposed Changes

- Why is the Regulatory Petition Needed?
 - Facilitates Division review of technical documents related to existing and proposed mining facilities on public lands concurrently with federal NEPA review
 - Minimizes Federal/State agency conflicts
 - Expedites permitting process
 - Clarifications Regarding:
 - Fees applicable to closed mining facilities
 - Operator Responsibilities
 - Planning and Permitting
 - Facility Modifications
 - Repeal of regulations that are no longer relevant



Mining Industry and Public Comment

- **January 2020:**
 - Informal solicitation with the Nevada Mining Association
 - Revisions based on comments from the mining industry
- **Opportunities for Public Comment:**
 - **Public workshops in March 2020:**
 - Tonopah (no attendees)
 - Elko (12 attendees)
 - Winnemucca (3 attendees)
 - **Website Posting and Email Notice (over 550 contacts)**
 - **Physical Notices (10 Public Locations)**
 - **Newspaper Notices (6 Publications)**
 - **Small Business Impact Survey**
- **30-day Comment Period:**
 - Questions and comments during public workshops
 - No written questions or comments received
 - No revisions based on public comments
 - No responses to Small Business Impact Survey

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NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
New	Preapplication Review	1, 3, 5, and 6

- **Section 1:**
 - Preapplication Review and \$1500 fee
- **Sections 3,5, and 6**
 - Conforming changes
- **Formalizes the Department’s practice of reviewing technical documents characterizing a mining operation and evaluating potential impacts to waters of the State in coordination with Federal NEPA review**
- **Useful for large mining facilities on public land**
- **Review takes place prior to submittal of a WPCP application**
- **Requires a \$1500 fee for the Department’s review**

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NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
445A.391	Preliminary Meeting	7
445A.392	Abbreviated Application for Small-Scale Facility	8

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- **Section 7:**
 - Adds discussion of preapplication review to topics required to be discussed during a meeting between the applicant and the Department, prior to WPCP application submittal
- **Section 8:**
 - Eliminates abbreviated permit applications for small-scale facilities using chemical separation methods
 - All facilities using chemical separation methods must follow the same permit application requirements
 - Necessary to ensure adequate evaluation of potential impacts to WOTS
 - Placer mining facilities performing only physical separation may still submit abbreviated applications

5



NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
445A.4155	Modifications to Engineered Designs	10

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- **Section 10:**
 - Provides examples of modifications to a permitted facility that do not require a new public notice (Engineering Design Changes)
 - Drafted based on industry requests for clarification
 - Eliminates ambiguity as to whether certain types of changes are engineering design changes

6



NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
445A.396	Requirements for Permit Application	11
445A.420	Requirements for Permit Renewal	12

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- **Section 11:**
 - Clarifies acceptable laboratory analytical methods for characterizing ore and other mined materials and their ability to release pollutants
 - Characterization has always been required and guidance has long been established for acceptable methods
 - Eliminates ambiguity in acceptable methods
- **Section 12:**
 - Adds information that must be included with an application to renew a permit
 - Ensures the Department and the public have accurate information throughout the life of the facility

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NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
445A.427	Record of Construction Reports	13

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- **Section 13:**
 - Updates information that must be included with reports documenting construction or modification of permitted facility components
 - Ensures that when permitted components are constructed or modified, the Department receives the information needed to evaluate compliance with Permit and regulatory requirements

8



NAC 445A.350 – 447 Proposed Changes Regulation Branch

Regulation	Topic	R018-20 Section(s)
445A.370	Repeal: Definition of Pilot and Testing Facility	15
445A.377	Definition of Small-Scale Facility	
445A.410	Permit Application Requirements for Small-Scale Facility	

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- **Section 15:**
 - Repeals the definitions of pilot and testing facilities
 - Repeals the definition of small-scale facility
 - Repeals abbreviated permit application requirements for small-scale facilities
- Definitions are no longer needed as the regulations relating to them have been repealed
- All mining facilities using chemical processing methods are now subject to the same permit application requirements

9



NAC 445A.350 – 447 Proposed Changes Closure Branch

Regulation	Topic	R018-20 Section(s)
445A.232	Permit Fees	2

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- **Section 2:**
 - Adds a new fee category for mining facilities that have completed physical closure activities but haven't yet demonstrated chemical stability
 - Clarifies which fee applies to these facilities
 - Previously ambiguous and not consistent
 - Revises a fee category to refer to "post-closure monitoring", a term defined in regulation
 - Removes a reference to pilot testing facilities

10



NAC 445A.350 – 447 Proposed Changes Closure Branch

Regulation	Topic	R018-20 Section(s)
445A.368	Definition of Permit	4
445A.398	Operating Plans Required with a Permit Application	9
445A.447	Final Plans for Permanent Closure	14

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- **Section 4:**
 - Amends the definition of permit to state that the responsibilities and obligations of the permit holder apply during the post-closure monitoring period.
- **Section 9:**
 - Requires that conceptual closure plans are kept consistent with facility plans for reclamation (required by NAC 519A regulation)
- **Section 14:**
 - Provides that the Department may require revision of approved Final Plans for Permanent Closure if new information indicates that the Plan will not achieve the closure goals



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Questions?



ATTACHMENT 4:

Nevada Board of Engineers and Land Surveyors
Newsletter and LCB Draft of Proposed
Regulation R085-18

ELECTRONIC SUBMITTALS AND DIGITAL SIGNATURES

Probably the most common question we get at the board office is related to stamping and signing electronic submittals. From the questions asked, it is clear there are elements of confusion amongst professionals—agencies and practitioners. As stated elsewhere in this newsletter the board recently updated its stamping regulations (NAC 625.610) in an effort to clarify terminology related to signatures. The regulations related to stamps, seals, and signatures are Nevada Administrative Code 625.610 and 625.611.

FIRST, LET’S TALK ABOUT SIGNATURES.....

Historically engineers and land surveyors have hand signed their documents. A signature is legally binding. With the evolution of technology, professionals can realistically eliminate paper documents by solely working in an electronic environment. Documents can be created electronically, signed electronically, and transmitted electronically, without printing a single sheet of paper. Electronically signing a document so that the signature is legally binding does not mean a professional can just insert or add an image of a signature. Anyone can add anybody’s signature image to a document, and the signature, as an image, is not legally binding. For an electronic signature to be legally binding it must be a digital signature. Digital signatures are encrypted and are logically associated with other data in electronic form to ensure the signer is who they say they are. Digital signatures have the same legal standing as a handwritten signature.

NEXT, LET’S TALK ABOUT SUBMITTALS.....

Documents submitted to an agency can either be originals or copies, paper or electronic. Professionals have been submitting paper documents to agencies for many years. Most of us are intimately familiar with the proper procedure as described in Nevada regulations. The only clarification needed is whether a stamp created electronically can be used in lieu of the traditional wet stamp. Yes, a stamp created electronically can be used in lieu of a wet stamp. There is nothing in the law or regulations that preclude the use of an electronically created stamp as long as the electronically created stamp conforms to the style, dimensions, and other details stated in the regulations. For those that may be less familiar with submittals to agencies, the regulations state that when submitting paper originals to an agency, each page of the document must be stamped, dated, and signed (pen/ink). When submitting paper copies of documents, the cover sheet and first page of each discipline must be stamped dated, and signed (pen/ink).

Electronic documents submitted electronically to agencies can also be original or copies. The only difference is in the signature. Electronic documents submitted as originals must have a digital signature. Original electronic documents submitted to an agency must have a stamp, date, and digital signature on each page of the document. When submitting electronic copies

of documents, the cover sheet and first page of each discipline must be stamped, dated, and signed (digitally).

Aren't all electronic documents a copy? When is an electronic document, submitted electronically, an original document and when is it a copy? When submitting an electronic document to an agency for review and approval, it is an original document, the document of record. Original documents are intellectual property and stand as a professional's work product. Hence the reason an electronic document submitted as an original must have a stamp, date, and digital signature on each page, and the document is electronically locked to prevent any changes. A copy of the electronic document can also be submitted to an agency. As a copy, the document would not be considered an original and is therefore not required to be electronically locked to prevent changes. An agency might request a professional to submit an electronic copy so the document can be marked up—comments added or design review changes added. When an electronic document is submitted as an original, locked to prevent changes, it typically cannot be manipulated, can't be marked up. Hence an agency may request a copy that is unlocked.

As we all—agencies, professionals, and regulators— adapt to the changes mandated by the evolution of technology, and continue to move from paper to electronic submittals, we will likely need to update procedures and regulations as well as adjust processes to ensure the public is adequately protected. Along those lines the board has been discussing with Nevada building officials if there is a need for the board to insert itself in the digital signature authentication process. Since digital signatures are encrypted, and are logically associated with other data in electronic form to ensure the signer is who they say they are, should the professional's license be a required part of the encryption data? We are asking the question because the board was created to safeguard life, health and property and to promote public welfare by providing licensure for qualified professionals.

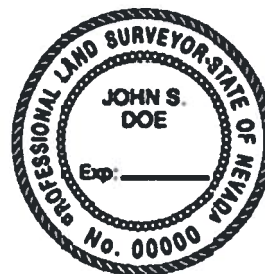
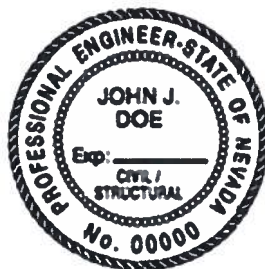
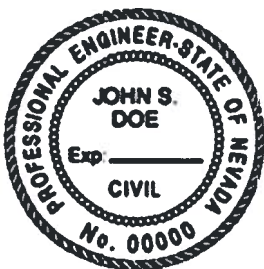
- ~~1.1~~ (a) The scope of the work;
- ~~1.2~~ (b) The cost for completion of the work; and
- ~~1.3~~ (c) The anticipated date for completion of the work ~~1.1~~; and

2. *A disclosure as to whether the licensee currently maintains a policy of professional liability insurance. and, if so, the limits of the coverage provided by the policy of insurance.*

Sec. 3. NAC 625.610 is hereby amended to read as follows:

625.610 1. ~~A stamp authorized by the Board~~ Upon being issued a license, each licensee may, ~~be obtained at the office of the Board~~ at ~~the~~ his or her own expense ~~of~~, obtain a stamp or seal that conforms with the ~~licensee~~ requirements of this section.

2. A person who is licensed in more than one discipline of engineering shall use a separate stamp *or seal* for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp *or seal* for both disciplines. *A stamp or seal must be approximately 1.7 inches in diameter and conform to one of the following designs, as applicable:*



3. The impression made by a stamp or seal:

- (a) Must be opaque and permanent;

- (b) Must state the name of the licensee;
- (c) Must contain the license number of the licensee;
- (d) Must state the particular discipline in which the licensee is licensed; and
- (e) May state the expiration date of the license of the licensee.

4. Each licensee shall validate a stamp or seal by ~~signing~~ *adding* his or her ~~name~~ *signature* legibly ~~in opaque ink~~ across the face of the impression made by the stamp or seal. ~~entering~~ *The licensee shall also include* the date of stamping or sealing and, *if the stamp or seal does not include* the date of expiration of his or her license, ~~unless such information is included in a stamp or seal pursuant to subsection 3.~~ *the date of expiration.* The name of the licensee, the particular discipline in which the licensee is licensed and the license number of the licensee must be legible. Except as otherwise provided in NRS 427A.755, the licensee may not use a stamp to produce his or her signature.

5. When a licensee signs, stamps or seals a document containing the work of others, the licensee represents that the licensee has prepared or has been in responsible charge of the production of the entire document unless the licensee includes a written statement adjacent to his or her signature, stamp or seal identifying the portion of the document that the licensee prepared or for which the licensee had responsible charge of the work.

6. For the purposes of NRS 625.565, a professional engineer has “responsible charge of the work” and may sign, stamp or seal plans, specifications, plats or reports which were not prepared by the professional engineer:

(a) If the professional engineer personally supervises the work on the plans, specifications, plats or reports to the degree that he or she is satisfied that the work is completed in a proper and professional manner; or

(b) Where the plans, specifications, plats or reports are not prepared under his or her personal supervision, if the professional engineer or persons under his or her personal supervision review the plans, specifications, plats or reports and make tests, calculations or changes in the work as necessary for the professional engineer to determine that the work has been completed in a proper and professional manner.

7. A licensee who signs, stamps or seals a document which was not prepared by him or her but for which the licensee had responsible charge of the work is subject to disciplinary proceedings pursuant to chapter 625 of NRS for any errors in that document as if it was prepared by the licensee. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his or her errors in that document.

8. Pursuant to NRS 625.565, all surveying maps and records, and all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties must bear:

- (a) The signature of the licensee;
- (b) The stamp or seal of the licensee;
- (c) The date of signing; and
- (d) The expiration date of the license of the licensee.

9. If the license of a licensee expires after the licensee submits, releases or issues a document described in subsection 8, the licensee is not required to sign, stamp or seal the document again to include an updated expiration date of the license unless changes are made to the document after the document is submitted, released or issued.

10. A licensee with responsible charge of the work contained in a document described in subsection 8 may have an electronically prepared seal and *digital* signature applied to such a document which is electronically submitted, released or issued only if:

(a) The files containing the document are locked electronically to prevent any changes to the document;

(b) Secure encryption methods are in place to prevent the copying, transferring or removing of the seal and *digital* signature and to prevent changes to any electronic drawings after the document is submitted, released or issued; *and*

(c) ~~{The electronic signature is applied by the licensee in responsible charge of the work; and~~
~~—(d)—~~The licensee believes adequate protections are in place to prevent fraud or misuse of the ~~{electronic}~~*digital* signature.

11. If an agency reviewing an interim document, other than a document listed in subsection 12, requires a licensee to stamp the interim document, the document must be clearly marked in substantially the following manner to show the intended purpose of the document:

(a) “For review only”;

(b) “Not for construction”; or

(c) “Preliminary.”

12. A licensee is not required to stamp the following documents:

- (a) An engineering as-built plan or record plan;
- (b) A report which includes observations concerning the progress of the construction of a project;
- (c) An estimate of the costs of a project; or
- (d) A shop drawing that is not required by the specifications of a project.

13. A licensee may revise original plans prepared by another licensee only if:

- (a) The licensee proposing to revise the plans:
 - (1) Obtains the consent of the licensee who prepared the original plans; or
 - (2) Made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plan is part of the same firm that prepared the original plans;
- (b) The proposed revisions are within the scope of practice of the licensee proposing to revise the plans;
- (c) The licensee proposing to revise the plans assumes full responsibility for those revisions and the effects of those revisions upon the remainder of the project; and
- (d) The revisions to the original plans comply with applicable state and local laws.

Sec. 4. NAC 625.630 is hereby amended to read as follows:

625.630 1. A licensee or firm shall not advertise for or offer to perform:

- (a) Land surveying, if the licensee or a member of the firm has not been licensed to perform such work by the Board unless the licensee or firm has a full-time partner, associate, officer or employee licensed to practice land surveying; or

NAC 625.611 Plans, maps and specifications submitted to public authority: Contents; stamps and signatures. (NRS 625.140, 625.565)

1. Plans or maps submitted to a public authority must include:
 - (a) The name, address and telephone number of the firm which submits the plans or maps;
 - (b) The name and location of the project for which the plans or maps are submitted; and
 - (c) The date the plans or maps were printed and a statement which indicates whether the plans or maps are preliminary or final.
2. If the plans or maps submitted to a public authority are:
 - (a) Original plans or maps, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.
 - (b) Copies of the original plans, the cover sheet and the first sheet for each discipline of engineering of the plans must be dated and stamped and include an original signature of the licensee who had responsible charge of the work indicated on the sheet.
 - (c) Copies of original plans or maps which have not been dated, stamped and signed, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.
3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:
 - (a) Indicates the discipline of engineering that is the source of each specification; and
 - (b) Contains the stamp of, and is signed and dated by, each licensee who had responsible charge of that discipline.

(Added to NAC by Bd. of Professional Eng'rs & Land Surv., eff. 11-12-97; A by R076-09, 10-15-2010)

NAC 625.612 Reports, studies, test results, certifications and calculations submitted to public authority: Stamps and signatures. (NRS 625.140, 625.565)

Each report, study, test result, certification or calculation which is submitted to a public authority must be stamped, signed and dated by the licensee who had responsible charge of that report, study, test result, certification or calculation.

(Added to NAC by Bd. of Professional Eng'rs & Land Surv., eff. 11-12-97)

NAC 625.613 Documents prepared by licensee: Inclusion of supplemental information; contents. (NRS 625.140)

1. Details, shop drawings, descriptions of products or any other information which is prepared by a manufacturer, supplier or installer of a product or system may be included in a document which has been prepared and stamped by a licensee.

2. Each document which is prepared by a licensee must include:

(a) A description of the document;

(b) The date the document was printed;

(c) The name, address and telephone number of the licensee's firm; and

(d) The name and location of the project for which the document was prepared.

(Added to NAC by Bd. of Professional Eng'rs & Land Surv., eff. 11-12-97)