

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
Workshop to Solicit Comments on Proposed Amendments to
LCB File #R050-20
Engineering Submittals to BSDW

Humboldt Conference Room, 3rd Floor
Carson City, NV

Via Lifesize

Call In Numbers: Audio Only-United States-1-312-584-2401, Meeting
Extension: 3786199

The workshop was also available through a webinar via
<https://call.lifesizecloud.com/3786199>

MEETING NOTES

ATTENDEES:

NDEP Staff:

Brendon Grant, Staff Professional Engineer (BSDW); Jim Balderson, P.E.,
Engineer Supervisor (BSDW), Andrea Seifert, P.E., Bureau Chief (BSDW); Max
Sosa, Environmental Scientist (BSDW); Juan Andrade, Engineering Technician
(BSDW)

Video Conference and on the Phone Attendees:

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Thomas, +17757849918, Doa Meade, +17024683048, Johnny Alhwayek, Brendan
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Simpson, Suzy Trabia, Mike, +19512654034, +17752910266, Ron, Megan
Overton, Bob Thibault, Matt, Razmik Avedian, Daniel C. Birchfield(Lync), Dean
Stanphill, Michael Wilkin, Andrew Poustie, Darren, Dan Birchfield,

+17023712428, Ryle Yopps, Derek Starkey, William Young, Bob Thibault, Keli Callahan, Dave Whalen, Brian Kalina, FRANK BIDART, Paul Wood, Salvador Pleitez, Tahmineh Pennington, David Haile, Bob Thibault, Katrina Pascual, Tomo Taniuchi, Jennifer Car (Deputy Administrator NDEP)

Attendees: 74

CALL TO ORDER:

Mr. Brendon Grant called the workshop to order at 1:30pm. Staff and attendees introduced themselves. Mr. Grant went over the workshop agenda. There were no questions or changes to the agenda.

Mr. Grant went over public participation and ways you can participate and comment. Mr. Grant talked about June 18, 2020 for NDEP consideration & inclusion in testimony to SEC:

- Written Comments by letter: Nevada Division of Environmental Protection, Bureau of Safe Drinking Water, 901 South Stewart Street, Suite 4001, Carson City, NV 89701
- E-mail or call us with your Comments
- SEC Hearing on July 1, 2020

Mr. Grant went on to explain how environmental rules are made. The first step is for the State (NDEP) to draft a regulatory petition. The second is for the State agency to host a public workshop after receiving multiple requests and comments to change a regulation. The step third, the petition is reviewed by the SEC and public comment is solicited. The fourth step, the SEC votes on the petition at a regulatory meeting on July 1, 2020. The fifth step, the Legislative Committee reviews the rule for possible approval and votes for or against the petition. If the Committee approves the petition, the petition becomes law. Mr. Grant described that the State of Environmental Commission plays a number of very important roles regarding the environment with the State. Mr. Grant explained that the SEC review and vote on regulatory petitions created by NDEP. Mr. Grant encouraged everyone to go to the SEC website to learn more about what they do and the process of creating regulations.

Mr. Grant continued went on to explain what a wet signature, electronic signature and digital signatures are. A wet signature is when an engineer picks up a pen and physically inks his or her signature on the plan sheet or document, and is considered to be legally binding. An electronic signature is an image of an engineer's signature added to a plan sheet or document. A digital signature is an encrypted signature that allows the receiver of plans or documents to verify the identity of the sender. Mr. Grant explained that according to the Board of Engineers February 2019 newsletter, it talks about in the article First Let's Talk About Signatures, it says anyone can add anybody's signature image to a document and the signature as an image is not legally binding as a wet signature would be. Digital signatures have the same legal standing as hand written signatures.

Mr. Grant continued to talk about the current regulations. NAC 445A.54032 Preparation by engineer of plans, specifications and design reports for facility. (NRS 445A.860) All initial and

final plans, specifications and design reports for a facility to treat groundwater must be prepared by, or under the direct supervision of, an engineer. The engineer shall affix his or her signature, the applicable date and his or her wet seal or stamp to each sheet of those plans and to each title page for those specifications and design reports in accordance with NAC 625.610, 625.611 and 625.612. (Added to NAC by Environmental Comm'n by R126-05, eff. 10-31-2005)

NAC 445A.66705 Preparation of plans, specifications and design reports for water project: Duties of engineer. (NRS 445A.860) All initial and final plans, specifications and design reports for a water project must be prepared by, or under the direct supervision of, an engineer. The engineer shall affix his or her signature, the applicable date and his or her wet seal or stamp to each sheet of those plans and to each title page for those specifications and design reports. (Added to NAC by Bd. of Health, eff. 2-20-97)

Mr. Grant continued to talk about the keywords in both NAC regulations, which are wet seal or stamp. The current procedure to submit to the Bureau of Safe Drinking Water is that they require two wet stamped original plans. One of the wet stamped plans is marked as a record and sent directly to records retention. The other stamped original plan is a working copy. The working copy is sent to the review engineer to red line or mark up and create comments off of. Once the engineer is finished with the review and the plan has been approved, the working copy is sent to a shredder. The Bureau of Safe Drinking Water also requires a PDF copy of the plans that is saved in the bureau's internal drive.

Mr. Grant continued by explaining the proposed NAC 445A regulations for the Legislative Counsel Bureau file R050-20. The following are the corrections for the NAC 445A.54032 and NAC 445A.66705. Mr. Grant explained that everything in blue and italicized is what is proposed to be added to the regulation and everything in red that has a strike through it is what is proposed to be removed from the regulation.

- **NAC 445A.54032** *In accordance with the provisions of NAC 625.610 to 625.613, inclusive:*

1. All initial and final plans, specifications and design reports for a facility to treat groundwater must be prepared by, or under the direct supervision of, an engineer ~~[-]~~ ; *and*

2. The engineer shall ~~[-]~~ *add* his or her signature, the applicable date and his or her ~~[-]~~ *wet* seal or stamp to ~~[-]~~ *each sheet of those* the plans , ~~[-]~~ *and to each title page for those* specifications and design reports ~~[-]~~ *prepared pursuant to subsection 1.*

- **NAC 445A.66705** *In accordance with the provisions of NAC 625.610 to 625.613, inclusive:*

1. All initial and final plans, specifications and design reports for a water project must be prepared by, or under the direct supervision of, an engineer ~~[-]~~ ; *and*

2. The engineer shall ~~[-]~~ *add* his or her signature, the applicable date and his or her ~~[-]~~ *wet* seal or stamp to ~~[-]~~ *each sheet of those* the plans , ~~[-]~~ *and to each title page for those* specifications and design reports ~~[-]~~ *prepared pursuant to subsection 1.*

Mr. Grant continued to explain the NAC 625 regulations. The following are the corrections for NAC 625.610. NAC 625 regulations can be found on the Nevada Board of Engineers and Land Surveyors' website. Mr. Grant explained again that everything in blue and italicized is what is proposed to be added to the regulation and everything in red that has a strike through it is what is proposed to be removed from the regulation.

- NAC 625.610

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.

Mr. Grant continues to explain the proposed NAC 625.610 regulations.

NAC 625.610 continued 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.

Mr. Grant continues to talk about the NAC 625.611 regulations.
NAC 625.611

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.

Mr. Grant explained that in the Board of Engineers 2019 newsletters, in the article Next Let's Talk About Submittals, it said for those who are less familiar with submittals to agencies, the regulations state that once paper submittals to an agency, each page must be stamped, dated and signed with pen/ink. Once submitted paper copies of the documents, the cover sheet and first page of each discipline must be stamped dated and signed in pen/ink.

Mr. Grant continued to explain about NAC 625.611.

NAC 625.611 Continued

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.

Mr. Grant went on to explain options for engineers submitting plans to BSDW once regulations are approved. One original plan set with a wet stamp OR electronic stamp, date and wet signature on each sheet (Record Copy). One copy of the original plan set that has a wet stamp OR electronic stamp, date, and wet signature on the cover sheet and the first sheet of each discipline (Working Copy). In addition, a PDF copy of the original plan set.

Mr. Grant continued to explain options for engineers submitting plans once BSDW has ability to accept electronically. One original electronic plan set with a locked seal, date, and digital signature on each sheet (Record Copy). One copy of the original plan set that has a wet stamp OR electronic stamp, date, and wet signature on the cover sheet and the first sheet of each discipline (Working Copy).

Clarification on signing and submitting projects to government agencies can be found in the February 2019 Newsletter from the Nevada Board of Engineers and Land Surveyors under "First, Let's Talk About Signatures...." And "Next, Let's Talk About Submittals....."

<https://nvbpels.org/newsletter/the-nevada-connection-february-2019-1>

Mr. Grant invited everyone to the questions and comments part of the presentation. If anyone has questions after the presentation, they can email, call or send us their questions by mail.

Jim Balderson thanked everyone for listening in and if anyone has any comments after the presentation, please let them know.

Murat Engindeniz asked about the document specifications and design reports. Asked considering all his work is on existing structures, are these modifications going to cover those kinds of work or only new designs?

Brendon Grant answered if you are going to be modifying existing infrastructure water then that will have to be stamped in accordance with the regulations. Mr. Grant explained that since these are the boards regulations, he does not want to interrupt for them. Mr. Grant will write that question down and contacting the board to answer this question. Andrea Seifert explained that the board is the best to answer this specific question. BSDW do require design reports to be submitted in certain cases along with the design plans. Those reports would be covered under the PE board regulations. Andrea explained she does not think anything they are doing right now is going to modify the current approach for those signatures on those reports.

Doa Meade asked a question on behalf of Chris Luquette. Mr. Luquette asked if 625 is revised to allow digital signatures, why do hard copies to NDEP still need wet stamps on the first page of the disciplines?

Brendon Grant answered that he can only go off of what the board says in their newsletter that states for those that may be less familiar with submittals to agencies when submitting originals to an agency, the first page must be stamped, dated and signed with ink/pen.

Jennifer Carr also answered if everyone looks at the NAC 625.611 answers with 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. The reason they need a hard copy is because they need to work with that copy because we are not equipped to do digital plan review. There is not capabilities with monitors and other things that are needed for the staff to do a digital plan review. Mrs. Carr clarified that the part with wet stamps is going away. You don't necessarily have to do a rubber stamp anymore. You can apply the image of your seal, that is a digital picture of it and have it saved in AutoCAD. You don't physically have to have a rubber stamp, but you would have to have an ink signature.

Brendon Grant thanked everyone for attending the workshop and invited everyone to attend the SEC meeting on July 1, 2020.

Adjourned meeting at 2:15pm