

R126-19 Excerpt - Grounds for Disciplinary Action - Handout Wastewater Treatment Operators

Sec. 8. *In addition to any other grounds for disciplinary action provided by statute or regulation, the Division may take disciplinary action against a holder of a certificate if the holder has:*

- 1. Engaged in fraud or deceit in obtaining or attempting to obtain or renew a certificate;*
- 2. Cheated on any examination required to obtain or renew a certificate;*
- 3. Committed an act of gross negligence, incompetence or misconduct in the performance of his or her duties as a holder of a certificate;*
- 4. Violated any requirement for a holder of a certificate set forth in NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 5. Aided or abetted any person in the violation of any requirement for a holder of a certificate set forth in NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 6. Been convicted of or entered a plea of guilty or nolo contendere to any crime of which an essential element is dishonesty or which is directly related to any activity for which a certificate is required pursuant to NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 7. Provided services for which a certificate is required pursuant to NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable, after the certificate has expired or been suspended or revoked;*
- 8. Been disciplined by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency if at least one of the grounds for discipline is the same as or substantially similar to any grounds set forth in this section or NAC 445A.293 or 445A.646, as applicable;*
- 9. Demonstrated disregard for the health and safety of the public and the environment;*
- 10. Acted outside the rights and privileges of the certificate that the person holds;*
- 11. Willfully made any false statement or failed to correct a false statement previously made to a governmental agency with regulatory authority that is material to the administration or enforcement of any statutory or regulatory provision to which the certificate applies; or*
- 12. Failed to comply with an order issued by the Administrator.*

Sec. 26. NAC 445A.293 is hereby amended to read as follows: ...

3. *The Division may take action pursuant to subsection 1 or 2 [i.e. deny an application, place an Operator on probation, suspend or revoke a certificate, or take other disciplinary action] if the applicant or holder of the certificate:*

~~[1.]~~ *(a)* In applying for or obtaining a certificate, has submitted to the Division any application, document, record, report or affidavit, or any information in support thereof, which is false or fraudulent;

~~[2.]~~ *(b)* Is grossly negligent, incompetent or has committed misconduct in the performance of his or her duties as an operator of a plant for sewage treatment;

~~[3.]~~ *(c)* Has demonstrated disregard for the health and safety of the public and the environment;

~~[4.]~~ *(d)* Has acted outside the rights and privileges of the grade for which he or she holds a certificate;

~~[5.]~~ *(e)* Has been convicted of a violation of any federal law or law of any state relating to water quality, including, without limitation, the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;

~~[6.]~~ *(f)* Has been convicted of ~~[a]~~, *or entered a plea of guilty or nolo contendere to, any* felony or other crime involving moral turpitude, dishonesty or corruption;

~~[7.]~~ *(g)* Has willfully made to a governmental agency with regulatory authority any false statement, *or failed to correct a false statement previously made*, which is material to the administration or enforcement of any provision of this chapter or chapter 445A of NRS;

~~[8.—Has failed to renew his or her certification;]~~

(h) Continues to work as an operator of a plant for sewage treatment after his or her certificate has expired or been suspended or revoked; or

~~[9.]~~ *(i)* Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any provision of this chapter or chapter 445A of NRS.

... 5. Any disciplinary action taken pursuant to this section and sections 3 to 23, inclusive, of this regulation is separate from and may be in addition to any other civil or criminal action provided by statute or regulation.

R126-19 Excerpt - Grounds for Disciplinary Action - Handout Drinking Water Distribution or Treatment Operators

Sec. 8. In addition to any other grounds for disciplinary action provided by statute or regulation, the Division may take disciplinary action against a holder of a certificate if the holder has:

- 1. Engaged in fraud or deceit in obtaining or attempting to obtain or renew a certificate;*
- 2. Cheated on any examination required to obtain or renew a certificate;*
- 3. Committed an act of gross negligence, incompetence or misconduct in the performance of his or her duties as a holder of a certificate;*
- 4. Violated any requirement for a holder of a certificate set forth in NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 5. Aided or abetted any person in the violation of any requirement for a holder of a certificate set forth in NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 6. Been convicted of or entered a plea of guilty or nolo contendere to any crime of which an essential element is dishonesty or which is directly related to any activity for which a certificate is required pursuant to NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable;*
- 7. Provided services for which a certificate is required pursuant to NAC 445A.2862 to 445A.293, inclusive, or NAC 445A.617 to 445A.652, inclusive, as applicable, after the certificate has expired or been suspended or revoked;*
- 8. Been disciplined by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency if at least one of the grounds for discipline is the same as or substantially similar to any grounds set forth in this section or NAC 445A.293 or 445A.646, as applicable;*
- 9. Demonstrated disregard for the health and safety of the public and the environment;*
- 10. Acted outside the rights and privileges of the certificate that the person holds;*
- 11. Willfully made any false statement or failed to correct a false statement previously made to a governmental agency with regulatory authority that is material to the administration or enforcement of any statutory or regulatory provision to which the certificate applies; or*
- 12. Failed to comply with an order issued by the Administrator.*

Sec. 27. NAC 445A.646 is hereby amended to read as follows: ...

3. *The Division may take action pursuant to subsection 1 or 2 [i.e. deny an application, place an Operator on probation, suspend or revoke a certificate, or take other disciplinary action] if the applicant or holder of the certificate:*

(a) In applying for or obtaining a certificate, has submitted to the Division any application, document, record, report or affidavit, or any information in support thereof, which is false or fraudulent;

~~**(2.)**~~ **(b)** Is grossly negligent, incompetent or has committed misconduct in the performance of his or her duties as an operator of a public water system;

~~**(3.)**~~ **(c)** Has demonstrated disregard for the health and safety of the public;

~~**(4.)**~~ **(d)** Has acted outside the rights and privileges of his or her classification for which he or she holds a certificate;

~~**(5.)**~~ **(e)** Has been convicted of a violation of any federal law or law of any state relating to water quality, including, but not limited to, the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.;

~~**(6.)**~~ **(f)** Has been convicted of ~~**(a)**~~, **or entered a plea of guilty or nolo contendere to, any** felony or other crime involving moral turpitude, dishonesty or corruption;

~~**(7.)**~~ **(g)** Has willfully made to an employee of the Division or any health authority any false statement, **or failed to correct a false statement previously made**, which is material to the administration or enforcement of any provision of this chapter or chapter 445A of NRS;

~~**(8.—Has failed to renew his or her certification;)**~~

(h) *Continues to act as an operator after his or her certificate has expired or been suspended or revoked;* or

~~**(9.)**~~ **(i)** Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of this chapter or chapter 445A of NRS.

... 5. *Any disciplinary action taken pursuant to this section and sections 3 to 23, inclusive, of this regulation is separate from and may be in addition to any other civil or criminal action provided by statute or regulation.*

R126-19 Excerpt - Grounds for Disciplinary Action - Handout CEMs ~ UTHs ~ UTTs

Sec. 39. *In addition to any other grounds for disciplinary action provided by statute or regulation, the Division may take disciplinary action against a holder of a certificate if the holder has:*

- 1. Engaged in fraud or deceit in obtaining or attempting to obtain or renew a certificate;*
- 2. Cheated on any examination required to obtain or renew a certificate;*
- 3. Committed an act of gross negligence, incompetence or misconduct in the performance of his or her duties as a holder of a certificate;*
- 4. Violated any requirement for a holder of a certificate or aided or abetted any person in the violation of any requirement for the holder of a certificate set forth in NAC 459.970 to 459.9729, inclusive;*
- 5. Violated any requirement or aided or abetted any person in the violation of any requirement of NAC 445A.226 to 445A.22755, inclusive, 445C.010 to 445C.390, inclusive, 459.970 to 459.9729, inclusive or 459.9921 to 459.99938, inclusive for services performed under the direction or control of a holder of a certificate;*
- 6. Been convicted of or entered a plea of guilty or nolo contendere to any crime of which an essential element is dishonesty or which is directly related to any activity for which a certificate is required pursuant to NAC 459.970 to 459.9729, inclusive;*
- 7. Provided services for which a certificate is required pursuant to NAC 459.970 to 459.9729, inclusive, after the certificate has expired or been suspended or revoked;*
- 8. Been disciplined by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency if at least one of the grounds for discipline is the same as or substantially similar to any grounds set forth in this section or NAC 459.9729;*
- 9. Demonstrated disregard for the health and safety of the public and the environment;*
- 10. Acted outside the rights and privileges of the certification that the person holds;*
- 11. Willfully made any false statement to a governmental agency with regulatory authority, or failed to correct a false statement previously made, that is material to the administration or enforcement of NAC 445A.226 to 445A.22755, inclusive, 445C.010 to 445C.390, inclusive, 459.970 to 459.9729, inclusive or 459.9921 to 459.99938, inclusive, regarding services performed under the direction or control of the holder of a certificate; or*
- 12. Failed to comply with an order issued by the Administrator.*

Sec. 58. NAC 459.9729 is hereby amended to read as follows:

459.9729 1. Each holder of a certificate issued by the Division pursuant to the provisions of NAC 459.970 to 459.9729, inclusive ~~[-]~~, *and section 33 of this regulation:*

(a) Shall provide services which are ethical, meet the current standards of the profession and which comply with federal, state and local regulations concerning hazardous substances or underground storage tanks.

(b) Is responsible for the work of other persons he or she employs or supervises.

(c) Shall have a copy of his or her certificate at the location where the holder of a certificate is supervising work. Upon the request of the Division, client or potential client, a holder of a certificate shall present the certificate for inspection.

(d) Shall make a written report to the facility owner or operator, within 24 hours, upon the discovery of a release of a hazardous substance or the existence of an unregistered underground storage tank and advise that facility owner or operator of any applicable reporting requirements.

(e) Shall report to the Division the discovery of a release of a hazardous substance which presents an imminent and substantial hazard to human health, public safety or the environment as soon as possible after the holder of a certificate has knowledge of a release.

(f) Shall secure the services of a qualified person to perform any part of his or her job which requires a level of service or skill which he or she is not qualified to provide.

(g) Shall make complete prior disclosures to his or her clients or potential clients of potential conflicts of interest or other circumstances which could influence his or her judgment or the quality of the services the holder of a certificate provides.

(h) Shall not falsify or misrepresent his or her education or experience, the degree of responsibility for prior assignments or the complexity of prior employment or business, relevant factors concerning employers, employees, associates or joint ventures or past accomplishments.

(i) Shall maintain a written record of each project requiring certification for 3 years after the project is completed. The Division may inspect those records during normal business hours and will establish requirements concerning the information which must be included in the records.

2. In addition to the requirements of subsection 1, a provider of an approved underground storage tank training program shall provide to each Class A operator and Class B operator a record in paper or electronic format which includes the information described in 40 C.F.R. § 280.245(b), as that section existed on November 2, 2016.