

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**P2020-02**

December 30, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets [~~emitted material~~] is material to be omitted.

AUTHORITY: §§NRS 445A.425; NRS 445A.860; NRS 445A.880; NRS 459.485; and NRS 459.500

[Note to LCB Drafter: The Division has included amendments to the three separate certification programs provided for by Statute. These programmatic amendments are followed by a new body of regulation outlining due process for the applicant or certified individual when the Division believes there are grounds for disciplinary action. The Division envisions Sections 11 through 32 of these regulations being housed in NAC 445B as they would apply as a due process for multiple Bureaus within the Division, much like the other provisions of 445B contained in NAC 445B.875 through 445B.899. This location would prevent reiteration of these sections in all three programmatic locations. Furthermore, the decision of the Administrator, as included herein, would be appealable to the State Environmental Commission as included in 445B.890. Section titles are offered therein to indicate the Division’s intent for the proposed section.]

**For Certifications Issued Under the Water Pollution Control Law**

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows: *The Division shall send written notice of intent to take disciplinary action pursuant to the requirements set forth in Section 16 of this regulation. As used in this section, disciplinary action is for grounds included in NAC 445A.293 or Section 15 of this regulation, which may result in the denial of an application, or the suspension or revocation, probationary requirements or other disciplinary action against an operator’s certificate.*

**Sec. 2.** Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in Section 1 of this regulation, any person who has reason to believe that an action taken by the Division pursuant to NAC 445A.2855 to*

*445A.293, inclusive, and Sections 1 and 2 of this regulation, has been incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.*

*2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Administrator of the Division or the Administrator's designee for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Administrator or the Administrator's designee, except that the informal conference must be held no later than 60 days after the date on which the Administrator or the Administrator's designee receives the written request.*

*3. The determination of the Administrator of the Division or the Administrator's designee resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.*

**Sec. 3.** NAC 445A.293 is hereby amended to read as follows:

NAC 445A.293 The Division may deny an application for a certificate as an operator of a plant for sewage treatment, ~~or~~ suspend or revoke, *place on probation, or take other disciplinary action against an operator's* full certificate, provisional certificate or restricted certificate if the applicant or holder of the certificate:

1. 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. 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. Has demonstrated disregard for the health and safety of the public and the environment;
4. Has acted outside the rights and privileges of the grade for which he or she holds a certificate;
5. 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. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
7. Has willfully made to a governmental agency with regulatory authority any false statement which is material to the administration or enforcement of any provision of this chapter or [chapter 445A](#) of NRS;
8. *Continues to practice after his or her certificate has expired, or has been suspended or revoked* ~~[Has failed to renew his or her certification]~~; or
9. 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.

### **For Certifications Issued Under the Public Water Systems Law**

**Sec. 4.** NAC 445A.646 is hereby amended to read as follows:

NAC 445A.646 The Division may deny an application for a certificate, ~~or~~ suspend or revoke, *place on probation, or take other disciplinary action against* an operator's full certificate, provisional certificate or certificate as an operator-in-training if he or she:

1. 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. 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. Has demonstrated disregard for the health and safety of the public;
4. Has acted outside the rights and privileges of his or her classification for which he or she holds a certificate;
5. 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. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
7. Has willfully made to an employee of the Division or any health authority any false statement which is material to the administration or enforcement of any provision of this chapter or [chapter 445A](#) of NRS;
8. *Continues to practice after his or her certificate has expired, or has been suspended or revoked* [~~Has failed to renew his or her certification~~]; or
9. 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.

**Sec. 5.** NAC 445A.647 is hereby amended to read as follows:

NAC 445A.647 The Division shall send written notice of *intent to take disciplinary action pursuant to the requirements set forth in Section 16 of this regulation. As used in this section, disciplinary action is for grounds included in NAC 445A.646 or Section 15 of this regulation*

*that may result in* the denial of an application, ~~for~~ or the suspension or revocation, *probationary requirements or other disciplinary action against an operator's* ~~of a~~ certificate ~~[pursuant to the requirements set forth in NAC 439.300 to 439.395, inclusive].~~

**Sec. 6.** Chapter 445A.652 is hereby amended to read as follows:

NAC 445A.652 1. *Except as otherwise provided in Section 5 of this regulation,* ~~Any~~*any* person who has reason to believe that an action taken by the Division pursuant to [NAC 445A.617](#) to [445A.652](#), inclusive, has been incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Administrator of the Division or the Administrator's designee for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Administrator or the Administrator's designee, except that the informal conference must be held no later than 60 days after the date on which the Administrator or the Administrator's designee receives the written request.

3. The determination of the Administrator of the Division or the Administrator's designee resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

### **For Certifications Issued Under the Hazardous Materials Law**

**Sec. 7.** Chapter 459 of NAC is hereby amended by adding thereto a new section to read as follows: *The Division shall send written notice of intent to take disciplinary action pursuant to the requirements set forth in Section 16 of this regulation. As used in this section,*

*disciplinary action is for violation of the Standards of Practice included in NAC 459.9729 or “Grounds” included in Section 15 of this regulation, which may result in the denial of an application, or the suspension or revocation, probationary requirements or other disciplinary action against an consultant’s or contractor’s certificate.*

**Sec. 8.** Chapter 459 of NAC is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in Section 7 of this regulation, any person who has reason to believe that an action taken by the Division pursuant to NAC 459.970 to 459.9729, inclusive, and Sections 7 and 8 of this regulation, has been incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.*

2. *If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Administrator of the Division or the Administrator’s designee for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Administrator or the Administrator’s designee, except that the informal conference must be held no later than 60 days after the date on which the Administrator or the Administrator’s designee receives the written request.*

3. *The determination of the Administrator of the Division or the Administrator’s designee resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.*

**Sec. 9.** Chapter 445A.9729 is hereby amended to read as follows:

NAC 459.9729 1. Each holder of a certificate issued by the Division pursuant to the provisions of [NAC 459.970](#) to [459.9729](#), inclusive:

(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.

3. Certification may be *placed on probation*, suspended, revoked or denied for renewal, *or other disciplinary action may be taken*, if the Division determines that the certificate holder has not performed in accordance with the standards described in this section.

### **Disciplinary Action Procedures for Certain Certificates Issued by the Division and Appeal Process through the State Environmental Commission**

**Sec. 10.** Chapter 445B of NAC is hereby amended by adding thereto new sections 11 through 32 to read as follows:

**Sec. 11.** *“Administrator” means the Administrator, or his or her designee, of the Division.*

**Sec. 12.** *“Certificate” means a certificate, provisional certificate, or limited certificate to operate a wastewater treatment plant issued under NAC 445A.2862 to 445A.293, including Sections 1 and 2 of this regulation, a drinking water system issued under NAC 445A.617 to 445A.652, to act in the capacity of a consultant or contractor issued under NAC 459.970 to 459.9729, and Sections 7 and 8 of this regulation.*



**Sec. 13.** *“Division” means the Division of Environmental Protection of the Department of Conservation and Natural Resources.*

**Sec. 14.** *”Hearing officer” means a person appointed by the Administrator of the Division to preside over and make recommendations to the Administrator concerning a disciplinary action initiated by the Division against the holder of a certificate.*

**Sec. 15.** *“Grounds for disciplinary or other action”. In addition to any other grounds provided by statute or regulation, the Division may take disciplinary action against a holder of or an applicant for a certificate for:*

- 1. The practice of fraud or deceit in obtaining or attempting to obtain or renew a certificate or cheating on any examination required to obtain or renew a certificate;*
- 2. Any gross negligence, incompetency or misconduct in the performance of duties as the holder of a certificate;*
- 3. Aiding or abetting any person in the violation of any provision or regulation adopted by the Commission to which the certificate applies;*
- 4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to any practice for which a certificate is required;*
- 5. A violation of any provision or regulation adopted by the Commission to which the certificate applies.*
- 6. Discipline 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 or substantially equivalent to those contained in this chapter;*
- 7. Practicing after the certificate has expired or has been suspended or revoked;*

8. *Demonstrating disregard for the health and safety of the public and environment;*
9. *Acting outside the rights and privileges of the grade of the certificate;*
10. *Willfully making to a governmental agency with regulatory authority any false statement which is material to the administration or enforcement of any provision to which the certificate applies;*
11. *Failing to renew the certificate; or*
12. *Failing to comply with an order issued by the Administrator.*

**Sec. 16. “Notice of proposed disciplinary action; intent to suspend or revoke certificate; contents and service of notice; opportunity to demonstrate compliance; effect of subsequent alleged violation.”**

*1. When the Division has cause to believe the holder of or an applicant for a certificate has engaged in actions constituting a ground for disciplinary action, the Division may issue a notice of intent to take disciplinary action.*

*2. A notice issued pursuant to subsection 1 must include:*

*(a) A statement of the legal authority for the disciplinary action;*

*(b) A statement of the facts which support the Division’s position for the disciplinary action; and*

*(c) Except as otherwise provided in Subsection 6 of this section, a statement that the Division may issue a notice of hearing pursuant to Section 18 if the holder of or applicant for the certificate does not, within 10 business days after receipt of the notice issued, demonstrate to the satisfaction of the Division why the Division should not commence further disciplinary action and schedule a hearing.*

3. *A notice of intent to take disciplinary action must be served to the holder of or applicant for the certificate by personal delivery or by registered or certified mail at the mailing address identified on the certificate application or renewal application.*

4. *Any evidence to demonstrate compliance offered by the holder of or applicant for the certificate within the period described in subsection 2(c) of this section must:*

*(a) address each of the grounds for disciplinary action in the Division notice; and*

*(b) be delivered in person or by certified mail to the employee of the Division identified in the notice served on the holder of or applicant for the certificate.*

5. *If the Division has received satisfactory demonstration to terminate the disciplinary process from the holder of or an applicant for a certificate as provided for by subsection 2(c) of this section, then the Division shall issue a letter by registered or certified mail which closes out the disciplinary action, within 10 business days of receipt of the response.*

6. *If the holder of or an applicant for the certificate has received a notice issued pursuant to subsection 1 of this section, for any subsequent alleged violation of the same statutory provision during the 2-year period immediately following the issuance of such notice, the holder of or an applicant for the certificate is not entitled to the 10-day period to demonstrate compliance described in subsection 2(c) of this section and the Division may immediately issue a notice of hearing pursuant to Section 18.*

**Sec. 17. “Summary suspension of certificate”.**

1. *The Division may suspend a certificate without a hearing if the Division finds, based upon evidence in its possession, that the public health, safety, or welfare imperatively requires summary suspension of the certificate and incorporates that finding in the notice. If the*

*Division summarily suspends a certificate, a hearing must be held within 60 days after the suspension.*

*2. A notice issued pursuant to subsection 1 must include:*

*(a) A statement of the legal authority for the disciplinary action;*

*(b) A statement of the facts which support the Division's position for the disciplinary action; and*

*(c) Be served by personal delivery or by registered or certified mail at the mailing address identified on the certificate application or renewal application.*

**Sec. 18. "Notice of hearing; contents and service of notice".**

*1. If the holder of or an applicant for a certificate does not demonstrate compliance within the 10-day period described in subsection 2(c) of Section 16, or if, pursuant to Subsection 6 of Section 16, the holder of the certificate is not entitled to the 10-day period to demonstrate compliance, the Division shall issue a notice of hearing.*

*2. A notice of hearing issued pursuant to this section must:*

*(a) State the date, time and location of the hearing, which may be held at an office of the Division or at such other place in this State as is designated in the notice;*

*(b) The hearing shall be set for a date no less than 30 calendar days from the date of the Notice, but no longer than 60 calendar days.*

*(c) Include a statement of the legal authority and the ground(s) for disciplinary action;*

*(d) Include a brief statement of the facts which support the ground(s) for disciplinary action;*

*(e) Identify all witnesses and exhibits the Division may offer to substantiate the ground(s) for disciplinary action;*

*(f) State the name and title of the hearing officer who will hear the matter;*

*(g) Include the date by which the holder of or an applicant for a certificate must provide information required by Section 20, subsection 1 and any pre-hearing motions as provided in Section 21.*

*3. The Division shall attach a copy of each document identified as an exhibit in the notice.*

*4. A notice of hearing issued pursuant to this section must be served on the holder of or applicant for a certificate by personal delivery or by registered or certified mail at the mailing address identified on the certificate application or renewal application.*

**Sec. 19. “Hearing officers: Appointment; assignment; duties”**

*The Administrator shall appoint a hearing officer for the proceeding, prior to issuance of a notice pursuant to Section 18. The hearing officer shall perform their duties in addition to their regularly assigned duties.*

*1. A hearing officer shall not hear requests for variances from the requirements of a regulation.*

*2. The Administrator may change the appointment of a hearing officer for good cause.*

**Sec. 20. “Submission of documentation and identification of witnesses by holder or applicant; exclusion by hearing officer for untimely submission”.**

*1. Except as otherwise provided in Subsection 2, the holder of or an applicant for a certificate must, not later than 5 business days before the date of the hearing set forth in the notice of hearing issued pursuant to Section 18, provide the Division with written notice of the identity of each witness and exhibit the holder of or applicant for a certificate may offer in support of its position.*

*2. The holder of or applicant for a certificate shall attach a copy of each document identified as an exhibit in the notice unless such document is in the possession or control of the Division.*

*3. The holder of a certificate may supplement the disclosures provided pursuant to subsection 1 of this section on or before the date of the hearing if the supplemental disclosures could not reasonably be obtained and provided within the time required by subsection 1.*

*4. A hearing officer may exclude any witness or exhibit not timely disclosed pursuant to subsection 1 or 2 of this section.*

**Sec. 21. “Submission and service of motions and responses to motions”.**

*1. All motions, unless made at a hearing, must be:*

*(a) Made in writing and accompanied by a certificate or acknowledgement of service or a certificate of mailing for all parties of record; and*

*(b) Filed with the hearing officer at least 10 business days before the date of the hearing.*

*2. Any response to a motion, other than a motion made at a hearing, must be:*

*(a) Made in writing and accompanied by a certificate or acknowledgement of service or a certificate of mailing for all parties of record; and*

*(b) Filed with the hearing officer within 7 business days after receipt of the motion.*

*3. When a hearing is set to consider the character, alleged misconduct, professional competence, or physical or mental health of, the holder of or an applicant for a certificate may move for testimony and documents directly relevant to these facts be declared confidential. Such motion must demonstrate to the satisfaction of the hearing officer that this information is not subject to public disclosure under NRS Chapter 239.*

**Sec. 22. “Filing and service of briefs”.**

*1. A hearing officer may order the parties to file briefs with the hearing officer before the hearing.*

*2. Any brief filed with a hearing officer must be accompanied by a certificate or acknowledgement of service or a certificate of mailing for all parties of record.*

**Sec. 23. “Appearance of party at hearing; qualifications of attorney”.**

*1. A party may appear in person at a hearing or may be represented by an attorney.*

*2. An attorney who represents a party at a hearing:*

*(a) Must be admitted to practice and in good standing before the highest court of any state of the United States; and*

*(b) If the attorney is not admitted to practice and in good standing before the Supreme Court of Nevada, must be associated with an attorney so admitted and in good standing.*

**Sec. 24. “Continuances or recesses granted by hearing officer”.** *A hearing officer may, at their discretion, either before or during a hearing, grant continuances or recesses.*

**Sec 25. “Failure to appear”.** *If:*

*1. The holder of a certificate fails to appear at a hearing;*

*2. The hearing officer has not granted a continuance;*

*3. The Division offers proof that the holder of or applicant for the certificate was given proper notice of the hearing; and*

*4. The hearing officer makes a determination that the holder of or applicant for the certificate was given proper notice of the hearing,*

*the hearing officer may proceed to hear the case on its merits without the participation of the holder of or applicant for the certificate and make a recommendation to the Administrator based on the evidence admitted at the hearing.*

**Sec 26. “Order of proceedings; written recommendation”.** *The noticed hearing shall proceed as follows:*

*1. The Division will present its evidence first, which will be subject to cross-examination by the holder of or applicant for the certificate and an opportunity for redirect examination by the Division.*

*2. After the Division has completed its presentation of evidence, the holder of or applicant for the certificate may present evidence, which will be subject to cross-examination by the Division and an opportunity for re-direct examination by the holder of or applicant for the certificate.*

*3. After the holder of or applicant for the certificate has completed its presentation of evidence, the Division may rebut the evidence.*

*4. The hearing officer may question any witness, party, counsel or representative at any time.*

*5. After the close of the hearing, the hearing officer shall prepare a written recommendation on the issues presented at the hearing and submit the recommendation to the Administrator of the Division within 30 days of the hearing.*

**Sec. 27. “Issuance and service of decision; date on which decision becomes final”.**

*1. The Administrator shall consider the hearing officer’s recommendation and adopt, modify or reject the recommendation, and issue a written findings of fact, conclusions of law and his or her decision.*

*2. The Administrator shall issue his or her decision and serve on all parties of record a copy of the decision and the accompanying findings of fact and conclusions of law within 45 days after the date on which the hearing concluded.*



*3. A decision issued by the Administrator pursuant to this section becomes final 30 days after the date of service, by personal delivery or by registered or certified mail, of the decision unless a party files a timely notice of appeal to the State Environmental Commission pursuant to Section 29.*

*4. The hearing must be recorded electronically. An electronic recording of the hearing must be made available for inspection and copying at each party's own expense.*

*5. The Division must establish that ground(s) for discipline exist by a preponderance of the evidence.*

**Sec. 28. "Authorized disciplinary action".**

*1. With respect to the certification, the Division may take the following disciplinary action against the holder of a certificate or an applicant for a certificate:*

*(a) Revoke the certification;*

*(b) Suspend the certification;*

*(c) Place the holder of a certification or applicant for certification on probation for such periods as deemed necessary; or*

*(d) Take such other disciplinary action as the Division deems appropriate.*

*⌘ Disciplinary action taken herein is separate from, and may be in addition to, any other civil or criminal action as may be provided by statute or regulation.*

**Sec. 29. "Filing and service of notice of appeal; rebuttal response by opposing party".**

*1. A party may, within 10 business days after service, by personal delivery or by registered or certified mail, of a decision issued by the Administrator pursuant to Section 27, file a notice of appeal with the Commission and request a hearing.*

*2. A notice of appeal filed pursuant to this section must be served on all parties and must:*

*(a) Identify the decision from which the party appeals, the date on which the decision was issued, and the basis for the appeal;*

*(b) State with particularity each point of law or fact which, in the opinion of the appellant, the hearing officer overlooked or misconstrued;*

*(c) Identify the parts of the record before the hearing officer that the appellant deems relevant to the appeal; and*

*(d) State each argument in support of the appeal that the appellant intends to present.*

*3. An opposing party may, not later than 15 business days after service of a notice of appeal, file with the Commission a response rebutting only the issues raised in the notice of appeal. Such a response may include identification of the parts of the record before the hearing officer that the opposing party deems relevant to his or her response.*

**Sec. 30. “Oral argument on appeal; consideration of certain evidence; issuance of written decision; final decision for purposes of judicial review”.**

*1. Upon the filing of a response to the notice of appeal pursuant to Section 29 or the expiration of the time for filing such a response, the Secretary of the Commission will schedule oral argument on the appeal within 60 days after receipt of the notice of appeal and request for a hearing, unless each party to the hearing waives the right to a hearing within the 60-day period in writing and for good cause.*

*2. Oral argument before the Commission will be limited to 15 minutes for each party. The appellant must present his or her argument first but may reserve time for rebuttal following the presentation of argument by the opposing party. The Commission will consider only evidence which was submitted to the hearing officer and identified in the notice of appeal or response to the notice of appeal.*

3. *The Commission may affirm, reverse, or modify the decision of the Administrator or remand the case to the Administrator. The Commission will issue a written decision on the appeal pursuant to NAC 445B.896.*

4. *Unless the Commission remands a case to the Administrator, the decision of the Commission is a final decision in a contested case for the purposes of judicial review.*

**Sec. 31** “Effective date of suspension or revocation of certification; duties of the operator; continuation of activities until suspension or revocation is effective”. *If a final order issued by the Division or the Commission temporarily suspends or permanently revokes the certification of holder of a certificate:*

1. *The final order must not become effective and the certification must not be suspended or revoked until 30 days after the date of issuance of the final order.*

2. *The holder of the certificate within 5 business days after the date on which the final order is issued, notify their place of employment as a holder of a certificate of the revocation or suspension of their certification and the date on which the revocation or suspension becomes effective*

3. *Until the date on which the revocation or suspension of the certification is effective, the holder of the certificate may continue to engage in any lawful activity otherwise authorized or permitted pursuant to applicable chapters of NRS and NAC.*

**Sec. 32.** “Judicial Review of decision made by the State Environmental Commission”.

*The decision of the State Environmental Commission made pursuant to the procedures set forth in Sections 29 through 32, inclusive, is a final decision in a contested case. Any person aggrieved by such a decision is entitled to judicial review of the decision pursuant to NRS 233B.130.*