



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

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BUREAU OF CORRECTIVE ACTIONS CERTIFICATION PROGRAM STANDARDS OF PRACTICE

CLARIFICATION CERT-08-01

REQUIREMENTS FOR CERTIFICATION OF DOCUMENTS CERTIFIED ENVIRONMENTAL MANAGER (CEM) PROGRAM

The purpose of this document is to clarify the requirements for statements that must be included with documents prepared by CEMs and the applicability of this requirement to specific documents prepared by CEMs. This also includes guidance on using “specialists” on projects and their data in reports signed by CEMs.

Required Information

Nevada Administrative Code (NAC) 459.97285 requires that all documents relating to services requiring certification contain the following:

1. required statement (also known as the “jurat”)
“I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations, and ordinances.”
2. a description of the services provided;
3. the signature of the certificate holder; and
4. the individual’s certification number and expiration date.

The jurat language must appear exactly as it is stated at NAC 459.97285.1.

Documents that must contain Required Information

The following documents prepared by CEMs relate to services requiring certification, therefore these documents must include the Required Information:

- Workplans and reports (including but not limited to assessment plans and reports, site characterization or investigation plans and reports, quarterly monitoring reports, corrective action plans, feasibility studies, remediation

design plans, interim abatement plans and reports, remediation progress reports, remedial system evaluations, risk assessments, risk based corrective action Tier 1, 2, and 3 evaluations) that are associated with the investigation, sampling, response or cleanup of a release or potential release of a hazardous substance and that are prepared in response to requirements under NAC 445A.226 through 445A.22755 (Action Levels for Contaminated Sites regulations) and NAC 459.996 through 459.9985 (Underground Storage Tanks Releases and Reporting);

- ASTM Phase I, Phase II, and Phase III environmental site assessments, including documents intended to satisfy the All Appropriate Inquiry regulations at 40 CFR Part 312;
- Petroleum-Contaminated Soil Management Plans for mine sites;
- Letters to clients or a regulatory agency associated with data collection (sampling plans), data interpretation or recommendation or any other written output where professional judgment is utilized;
- Biennial Reports submitted on behalf of a waste generator if the work performed by a CEM is for the management of their hazardous wastes;
- Tank test reports, tank installation, tank repair reports and other tank related work requiring a Nevada certified Tank Tester or Tank Handler.

Documents that do not need to contain Required Information:

The following documents generally would **NOT** require a jurat:

- Letters requesting a time extension of an imposed deadline or communications on delays in work outputs;
- Invoices, unless this is the only document provided to the client and describes the scope of services provided;
- Applications for right-of-way or access;
- Subcontractor agreements between certified individual and/or consultant company;
- Reports submitted by owner/operator where the functions are not subject to certification requirements;

Certification of Responsibility for Specialized work which requires a level of service which a CEM is not qualified to provide

Due to the interdisciplinary nature of hazardous substance site assessment and corrective action and the widely varying complexity of site conditions, provision of certain services may at times require unique and specialized training and education (e.g. toxicology, statistics, analytical

chemistry, groundwater modeling, geochemistry, air and water treatment engineering, well drilling etc.) The certification program regulations recognize this and provide guidance.

The CEM is required by Standards of Practice NAC 459-9729 (1) (f) to “secure the services of a qualified person to perform any part of his job which requires a level of service or skill which he is not qualified to provide.” NAC 459.9729(1)(b) also states the CEM “is responsible for the work of other persons he employs or supervises.”

If the CEM hires other experts to work on a project, the CEM document certification is interpreted by NDEP as a certification by the CEM that the methodology used by those experts in the document is valid, ethical, meets the current standards of the profession, and that the CEM takes responsibility for the use of such information and analyses. NDEP does not require that all experts such toxicologists, modelers, health and safety possess valid certification as a CEM in order to have their work product used as part of a project or report.

This clarification is effective December 4, 2008 and is in effect until superseded by a subsequent clarification. If you have any additional questions, please feel free to contact the certification coordinator at (775) 687-9379.