

**Amended**  
**MINUTES**

Clark County District Board of Health Meeting  
625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room - 8:00 A.M.  
*Thursday, September 26, 1996*

The regularly scheduled meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Ferraro and the Pledge of Allegiance was held. Chairman Ferraro noted that he had been provided with Affidavit of Posting of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavit will be incorporated into the Official Minutes.

Present:

Robert Ferraro	Chairman, Councilman, Boulder City
Sherry Colquitt, RN	Appointee, Las Vegas
Kirk Cammack, MD	Physician Member At Large
Amanda Cyphers	Councilman, Henderson
Susan Crowley	Appointee, Henderson
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Councilman, North Las Vegas
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Bruce Woodbury	Commissioner, Clark County

Absent:

William Robinson	Councilman, North Las Vegas
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Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Clare Schmutz; Mike Naylor; David Rowles; Fran Courtney, RN.; Ed Wojcik; Roy Soffe; Curt Taipale; Karl Munninger; David Lee; Mason McNinch; and Recording Secretaries Diana Lindquist and Montana Garcia

**PUBLIC ATTENDANCE:**

<b><u>NAME</u></b>	<b><u>REPRESENTING:</u></b>
James & Catherine Roberts	Self
Bill Williams & Nancy Ethridge	Self
Bernie Farr	Self
Arthur Bloom	Self
Stephanie Pacey	Student
Tim Billinger	Student
Henry B. Kerfoot	Self
Tony Hunter (C21 Gordon Realty)	M/M James Roberts
Ann Zorn	Self/APC Hearing Board
Dick Serdoz	NDEP, Las Vegas
Ken Mahal	NSC
Rick Nielsen	Clean Air Alliance
Dave James	UNLV
Robert Sullivan	Las Vegas Valley Water District
Charles Bischoff	CORI
Terri Barber	SNHBA
Ann Lyons	U.S. E.P.A., Region IX
Jennifer Fox	U.S. E.P.A.
M. Yuhas	NRI
Darcy Spears	KVBC-TV 3
Kara Kelley	Las Vegas Chamber of Commerce
Russ Wilde	Nevada Department of Transportation
Joe Nicewicz	Education Dynamics
Shimi Chettiath	Kerr McGee Chemical Corporation
Ed Barry	Chemical Lime Company
Will Cates	Clark County Comprehensive Planning
Clete Kus	Clark County Comprehensive Planning
Clint Combs	R.C. Farms, Inc./Waste Management, Inc.
Susan P. Stewart	TIMET
Greg Sanks	Nevada Power Company
Robert Groesbeck	Silver State Disposal Service/CORI
Mary Manning	Las Vegas Sun
Eddie Martinez	Harding Lawson Associates

**I. CONSENT AGENDA:**

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request.

*Member moved to approve the following Consent Agenda. Motion was seconded by Member Kenny and carried unanimously approving the following Consent Agenda:*

- 1. Minutes/Board of Health Meeting** - 08/22/96
- 2. Payroll/Overtime for** Periods of 07/27/96 - 08/09/96 & 08/10/96 - 08/23/96
- 3. Claims Register** -- #695, 08/14/96 - 09/06/96; #696 - 09/09/96 - 09/19/96

## II. **PUBLIC HEARING/POSSIBLE ACTION (Approximately 8 A.M.)**

1. **Variance Request** - To Maintain an Individual Sewage Disposal System on an Undersized Lot Served by a Private Onsite Water Supply. **Petitioner:** Tony Hunter for James C. and Catherine Roberts

Chairman Ferraro opened the public hearing.

Clare Schmutz remarked that Mr. and Mrs. James Roberts, owners, with the assistance of Mr. Tony Hunter, realtor, are requesting a Variance to install an individual sewage disposal system (ISDS) on an undersized lot where an onsite water supply exists. The lot is 34,768 sq. ft. In size and is located at 5827 W. LaMadre Way. Legal description: SW 1/4 SW 1/4, Sec. 36, T19S, R60E, Assessor's parcel Number 125-36-401-005, Clark County, Nevada.

Mr. and Mrs. Roberts began developing their property by installing an ISDS in August of 1969, obtaining their water supply from a community water supply located on an uncle's property next door. The uncle later sold his property; and due to problems over the well with the new property owners, had their own water well installed in 1978 on their undersized lot.

The Roberts now wish to sell their property. Since they have an ISDS and a private water supply, their lending agency is requiring health District Certification. Staff cannot certify the ISDS and private water supply because they are located on less than an acre of land as required District regulations.

Public water and sewer are on Lone Mountain Road and Leon Avenue, approximately 1,750 ft. from the property line. Staff has conducted a field survey and determined that the well installed in 1978 is over 100 ft. from the existing ISDS.

Since the water well and ISDS have been in operation on this property for approximately 18 years with no reported public health problems. Staff recommended approval of the Variance with the following conditions:

- a. The buyers of the property agree to connect the property to public sewer when the sewer line comes within 400 ft. Of the nearest lot line and abandon the ISDS.
- b. If the public water line becomes available to the property (installed to the property line), the residence will be connected to the public water supply and the well properly abandoned.

Chairman Ferraro asked Mr. Hunter, in behalf of Mr. & Mrs Roberts, if he agreed with the conditions of the Variance, Mr. Hunter stated that he agreed with the conditions. There being no further testimony, Chairman Ferraro closed the public hearing.

*Member Cyphers moved for approval of the Variance Request with the conditions outlined by staff. Finding that there are circumstances which make compliance with the regulations unduly burdensome; and would cause a hardship to and abridge a substantial property right of the applicants. Granting the Variance is necessary to render substantial justice to the applicants and enable them to preserve and enjoy their property right; and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Crowley and carried unanimously.*

2. **Variance Request** - To Construct an individual Sewage Disposal System within 400 Feet of an

Available Public Sewer Line that can be Accessed by Gravity Flow Petitioner: Scott Widener, Vice President of Construction, Del Webb Communities and Boys Hope Nevada

Chairman Ferraro opened the public hearing.

Clare Schmutz remarked that Mr. Scott Widener, is requesting a Variance to construct an individual sewage disposal system (ISDS) on property that is within 400 feet of a public sewer line. The lot, 20,000 square feet in size and served by a public water supply, is located on the south side of Gowan Road, 300 feet west of Decatur Boulevard. Legal description: Lot 8, Block 4, Elstner Estates subdivision, NE 1/4 SE 1/4, Sec. 12, T20S, R60E, MDBM, Clark County, Nevada.

Boys Hope- Nevada is a national not-for-profit, non-denominational organization that admits children between 10 and 14 years of age whose parents or guardians are no longer able to provide adequate care or supervision. The Boys Hope Nevada will serve 6 children and 3 live-in counselors.

The City of Las Vegas maintains a public sewer line at the corner of Decatur Boulevard and Gowan road 300 feet from the property line. Decatur Boulevard has recently been resurfaced and designated a "no cut zone" which would require tunneling under Decatur Boulevard for connection.

The estimated cost to extend a sewer line from the property to Decatur Boulevard is \$18,500 versus \$5,500 to install an ISDS. City of Las Vegas staff state that the Regional Transportation commission (RTC) project to extend a public sewer west on Gowan Road is tentatively scheduled for construction in 18 to 24 months. Staff recommends approval of this Variance with the following conditions:

- a. The installation of the ISDS be completed within 1 year.
- b. When public sewer become available adjacent to the property through the RTC project, the ISDS will be abandoned and connection to the public sewer made.
- c. The system be installed to comply with all other requirements of the Individual Sewage Disposal System and Liquid Waste Management Regulations.

Ian Ross, District Legal Counsel, asked Mr. Scott Widener if he agreed with the conditions recommended by Staff. Mr. Widener stated that he agreed with the conditions. There being no further testimony, Chairman Ferraro closed the public hearing.

*Member Cyphers moved for approval of the Variance Request with the conditions outlined by staff. Finding that there are circumstances which make compliance with the regulations unduly burdensome; and would cause a hardship to and abridge a substantial property right of the applicant. Granting the Variance is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Crowley and carried unanimously.*

**3. Memorandum #16-96 - Public Hearing: Amendments to Section 0, Definitions & 12, Preconstruction Review for New or Modified Stationary Sources of the Air Pollution Control Regulations**

Michael Naylor commented that in 1995, EPA published in the federal register a notice of proposed rule making under the Clean Air Act with approval for Promulgation of New Source Review (NSR) Implementation Plan for Clark County, Nevada. Based on the proposed rules submitted to EPA at that time, the EPA proposed to approve the implementation plan with a contingency to disapprove

in the alternative if Clark County failed to correct all deficiencies with six months. The EPA informally granted an additional six month extension to the deadline with the understanding that the District would complete rule making by June 1996. When it became apparent that the District could not address all NSR deficiencies by the June 1996 deadline, the EPA informally granted an additional extension contingent upon a Board of Health commitment to set a Public Hearing in September 1996 to address all the remaining NSR rule deficiencies.

A series of public hearings have been held on proposed amendments to the regulations. At a January meeting, the Board addressed the first installment and approved a reorganized format of the regulations and changes to Subsection 12.2.14, which clarified the emission limitations on increases in oxides of nitrogen in the Las Vegas Valley or management area.

At the March meeting, the Board addressed the second installment and approved changes to the public notice requirements of Subsection 12.3, the emission reduction credit requirements of subsection 12.4 and the requirements for PM10 and VOC in the Las Vegas Valley and management area, Jean, Stateline, Boulder City, Eldorado Valley and Goodsprings.

During the May meeting, the Board of Health addressed the third installment and approved changes to the general application requirements for all sources, the Prevention of Significant Deterioration (PSD) requirements for most criteria pollutants, the air quality modeling requirements, the pre and post construction ambient air monitoring requirements, and the Authority to Construct (ATC) Issuance requirements.

Today we address the fourth installment of our comprehensive package of amendments to the Regulations that apply to review of proposed new and modified industrial facilities or stationary sources of air pollution, a process known as New Source Review. The complete package of amendments, reflecting all the installments, will be submitted to the EPA as the revised New Source Review Implementation Plan for Clark County.

This summer a Coalition of Regulated Industries (CORI) emerged and challenged the need for various amendments and some current regulations. In August, 1996 the District and representatives of CORI met with EPA Region IX to discuss the CORI alternative proposals to the regulations.

The CORI suggested changes in regulatory language to Section - 0, Definitions for Administrative Modification, Potential to Emit and Stationary Source and alternative language for Section 12 would:

- a) delete the District's toxic source requirements,
- b) allow sources the option of a fast track new source review processing,
- c) allow sources to perform minor permit modifications after filing the application with APC, but prior to District approval,
- d) allow the permittee to remove an ambient air monitor if two years after installation if the measured impact is within the modeled impact,
- e) delete the continuous emissions monitoring system (CEMS) requirement on modified emissions units,
- f) only require a CEMS on new emission units if they exceed 100 tons per year instead of 40 tons per year,
- g) only require direct compliance on a continuous emissions monitoring basis if required by the applicable New Source Performance Standards, and
- h) allow for one extension to an Authority To Construct (ACT) permit without a requirement to

perform re-analysis of Best Available Control Technology (BACT) or consumption of Prevention of Significant Deterioration (PSD) increment.)

Region IX EPA indicated that if the Board of Health adopts CORI regulatory proposals that are a relaxation of the District proposed rules as referenced in the July, 1995 federal register notice, such relaxation would trigger a requirement to publish a new federal notice with an updated rule package for public comment.

The District has met several times with representatives of CORI, Citizen Alert and EPA. The District and EPA have not found most of the suggestions presented by CORI feasible. However, some CORI concepts which the District endorsed and EPA accepts have now been included in the proposed amendment.

The District has also received comments in support of relaxing the local regulatory requirements to the level of the federal rules for the Apex Hydrological Basin to encourage relocation of more local industry to the Apex area. The amendments presently proposed would not affect current new source review policies for the Apex area.

Chairman Ferraro opened the public hearing.

Dr. Ravenholt proposed that the EPA representative be asked to speak first and read their recent letter to the District in view of the importance of related approval.

Ann Lyons, representing EPA Region IX Legal Office, did so (see attached letter) and provided the following summary: For the past several years the EPA has worked closely and carefully with the District to achieve approvability of District APC Regulations 0 and 12. In 1993 the District submitted a version of amendments to Regulations 0 and 12 which EPA believed could be approved into the State Implementation Plan (SIP) contingent on the District making some changes and corrections prior to EPA taking final action on the rules. EPA proposed a contingent approval of District Regulations 0 and 12 in the Federal Register in 1995. EPA's proposed contingent approval further stated that if the District did not make the changes and corrections as required, EPA would have to take final action disapproving the rule. Disapproval would commence the process and time period for the mandatory sanctions prescribed in the Clean Air Act.

In the months following EPA's proposed contingent approval, the District and Region IX resolved acceptable language for all of the changes and corrections required for EPA's final approval. The District has compiled those changes and corrections to Regulations 0 and 12 for Board adoption. EPA feels that if the Board adopts and submits the District's changes and corrections, EPA will be able to take final action within the next several weeks to approve District new source review and permitting rules. She emphasized that industry will benefit from having an approved new source review permitting program that is consistent under local rules and in the applicable SIP.

EPA interprets that the proposed CORI revisions to Regulation 0 and 12 would generally not be consistent with the changes and corrections required in EPA's previous Proposed Contingent Approval. The Clean Air Act, as amended in 1990 requires districts to have approved regulations for permitting sources based on section 110 and parts C and D of the Clean Air Act. However, if the Board of Health adopts and submits the proposed CORI revisions, it is likely that EPA will take final action disapproving the District's proposed new source review permitting rules. District rules and the applicable SIP would then continue to have a different set of rules that apply to new source review permitting. At a minimum, Board adoption of the proposed CORI revisions would necessitate resubmittal of Regulations 0 and 12 with stringency demonstrations. Significant delay

would likely result because EPA would need to review the submittals and propose a new action. This would magnify uncertainty problems for industry resulting from the present discrepancies between District adopted rules and the applicable SIP rules. Also, she added, if the Board were to disapprove any of the present Staff recommendations, EPA would then have to impose immediate application sanctions which would include starting the process for later loss of federal highway funds.

Ann Lyons stated that EPA does support the District's proposed corrections and changes to Regulations 0 and 12. They are based on sound technical analysis and cooperation between EPA and District staff to craft effective and legally sufficient rules. Ms. Lyons urged the Board to adopt and submit the District's proposed changes and corrections so EPA will be in a position to take final action to approve Regulations 0 and 12 into the applicable SIP for implementation by the District.

Charles Bishoff, representing CORI, commented that CORI had been an active participant in this rule making since January 1996. It became involved because of concern about the impact of amendments proposed by the District and because CORI considered a number of the proposed amendments to be unnecessarily restrictive.

He urged the Board to adopt rules that meet federal requirements, protect attainment areas from significant deterioration, are consistent with applicable EPA approved plans for bringing non-attainment areas into compliance and that would allow for industrial growth without unnecessary restrictions. CORI does not support the adoption of more stringent rules simply for the sake of stringency. CORI asked that the Board consider ten alternatives to the District's proposed amendments. The alternative language proposed by CORI is intended to meet applicable federal requirements for new source review. He asked that in view of the failure of Region IX, the District and CORI to reach a consensus on these matters, the Board in each instance to consider both the District's proposal and CORI's proposal.

Richard Nielsen representing Clean Air Alliance for Nevada (CAAN) remarked that they supported Staff recommendations and urged the Board to carefully review their analysis of the proposed changes.

Ken Mahal representing the Nevada Seniors Coalition and CAAN, asked the Board to carefully review the changes as he felt they represented a dramatic relaxation of the air quality regulations with the continuing deterioration of air quality in the Las Vegas Valley.

The Board systematically reviewed the following sections with Staff, representatives of EPA, CORI and concerned citizens:

**0 - Definitions:**

- Administrative Modification
- Potential to Emit
- Major Modification: Based on a written request from the Clean Air Alliance of Nevada, Staff proposes to keep carbon monoxide (CO) at 70 tons per year (tpy) rather than increase the threshold to 100 tpy.
- Stationary Source: Staff verbally committed to addressing concerns about Stationary Sources in the Apex area at a later time.

**12 - Preconstruction Review of New or Modified Stationary Sources:**

- Toxic Chemical Substances (TCS) Sources
- Owner/Operator Notification, Application Processing Deadlines,
- Notice of Proposed Action Procedures and Public Hearing (accelerated printing)
- Operational Flexibility
- Post-Construction Ambient Air Monitoring: (12.6.2.6) The Board affirmed no changes to this subsection, however, staff committed to creating policy guidance document that will address CORI's concern on the termination of post construction ambient monitoring provide for a written record of staff review of need for monitoring two years post construction.
- Continuous Emissions Monitoring Systems (CEMS) Applicability
- CEMS requirements and continuously Opacity Monitoring System
- Extension of Authority to Construct Certificate
- CO Requirements: Based on a written request from the Clean Air Alliance of Nevada, Staff proposes to keep carbon monoxide (CO) public notice at 10 tons per year for the non-attainment area and management area.

Staff proposed to increase the "10 ton Carbon Monoxide Cap" to 50 tons per year which was affirmed by the Board. The Board directed that any new or Modified Stationary Source with a CO emission increase exceeding ten (10) tons per year but less than fifty (50) tons per year in the area of applicability shall be required to mitigate such a CO emission increase by achieving CO reductions from motor vehicles at an offset ratio of 2:1. This CO mitigation would be in addition to the ERC requirements of 12.2.6.5.

Dick Serdoz, resident of Clark County cautioned the Board not to adopt CORI's language.

Ann Lyons, from EPA Region IX Legal Office, reiterated that EPA supported all the modified changes proposed by District Staff.

*The Board approved the above sections as recommended by Staff. Board Legal Counsel recommended that all of the rest of the amendments be handled in bulk recognizing that CORI, CAAN and EPA have stated their positions on each of those issues that are part of the record and are in writing. Member Woodbury moved to adopt Memorandum #16-96, Amendments to Section 0, Definitions and 12, Preconstruction Review for New or Modified Stationary Sources with the modifications on the green sheets (attached to Memo #16-96) as recommended by Staff. Motion was seconded by Member Colquitt and carried unanimously.*

**III. REPORT/DISCUSSION/POSSIBLE ACTION:**

**1. Report From Search Committee for Assistant Health Officer Position**

Member Colquitt remarked that the Search Committee had discussed the various recruitment options available, National, Regional, Statewide, and local advertising. It was determined that the most effective and efficient method would be to advertise the position on a Statewide basis. The

reasons for this selection process are rather simple. To do a National or regional recruitment would be very costly and time consuming. In addition, since the job description approved by the Board requires a Nevada license, it was felt that a Statewide search would be the most productive method.

With the Board's approval of this recommended recruitment process, the Search committee and Staff will begin the process. The time frame for recruitment will be reported to the Board at the October meeting.

*Member Kincaid moved to accept the committee's recommendation. Motion was seconded by Member Crowley and carried unanimously.*

2. **Petition #48-96** - Agreement with District Air Pollution Control Division and Clark County Comprehensive Planning to Update the Urban Airshed Model

Michael Naylor remarked that the Clark County Department of comprehensive Planning, as the responsible entity for development of the State Implementation Plan for Clark County, requires an approved mathematical air quality dispersion model to demonstrate attainment of standards for ambient carbon monoxide levels. The current model used to define the interrelationships between CO emissions, meteorology, and topography and requires updating to take into account the changes brought about by the continuing high rate of growth in the Valley over the past several years.

The District provided funding at the beginning of 1996 in order to assist the county in establishing Phase I of the program, these funds were obtained from the DMV excess reserve fund. Phase I of the program is now underway and on schedule; it will address a carbon monoxide exceedance in January, 1996.

This agreement provides for the transfer of an additional amount from the District to the County in order to continue with Phase II of the program. Phase II will address carbon monoxide measurements during the upcoming 1996-1997 winter season.

The District is now due to receive \$240,000 from the EPA as the final installment of the 1996 fiscal year grant award. When these funds become available, the District will use same as the source of the funds transfer to the County to continue with Phase II of the program.

*Member Woodbury moved for approval of Petition #48-96. Motion was seconded by Member Kenny and carried unanimously.*

3. **Resolution #02-96** - Request From APC Hearing Board Asking that the Board of Health Seek Legislation to Amend Statute Pertaining to Hearing Board Authority to Require Mitigation and Current Statutory Provisions for the Distribution of Penalty Funds.

Ann Zorn, Chairman Air Pollution Control Hearing Board, commented that the Hearing Board was requesting that Board seek legislative changes to make non-monetary penalties available to the Hearing board as an additional means of meeting the clean air goals. These non-monetary penalties will have direct results in preventing, reducing or controlling air pollution and would increase the ability of the Hearing board to reduce both the number of violations and actions which lead to violations, through requiring violators to participate in specific educational/training programs or mitigation activities.

*After brief discussion, Member Reese moved for approval of Resolution #02-96. Motion was seconded by Member Kenny and carried unanimously.*

4. **Petition #49-96** - Proposed Establishment of an Air Pollution Control Hearing Officer Process (Member Woodbury Requested Item)

Member Woodbury explained that after discussions with Staff and with some of the Hearing Board members it was his recommendation that the District Board consider establishing a Hearing Officer Process whereby all matters that come before the Hearing Board for consideration are processed openly with a public hearing. The potential effect would reduce the burden now on the Hearing Board. Also permittees could reserve the right of an appeal. He asked that the Board consider development of proposed changes to the Air Pollution Control regulations and to schedule review of

the proposed amendments for the October Board meeting for setting of a public hearing.

*Member Colquitt moved for approval of Petition #49-96. Motion was seconded by Member Ravitch and carried unanimously.*

- 5. Petition #50 -96** - Proposed Amendments to Air Pollution Control Regulations, Sections 2 - Air Pollution Control Board; 7 -Hearing Board; 9 - Administrative Penalties (Member Kenny Request to Chairman Ferraro)

Member Kenny commented that recent press coverage on our air quality indicates that the public is very concerned with the air quality problems with the Las Vegas Valley. She believes as set forth in her letter, the District needs clear regulations to guide enforcement staff, the APC Hearing Board should better reflect a cross section of our community that dollars from penalties should come back to the enforcement program.

Discussion followed by Board Members and Legal Counsel that the proposed changes would require statutory modification which would be in the form of direction to the Legislative Counsel Bureau and the time frame for submittal for proposals for review. The Board expressed concern about endorsing the entire package of proposed changes without further review.

*At this time, Member Woodbury moved to set a public hearing date to review the proposed concepts to Sections: 2 - Air Pollution Control Board, 7 - Hearing Board, and 9 - Administrative Penalties of the regulations. Motion was seconded by Member Colquitt and carried unanimously. Ian Ross, Legal Counsel added as these were not regulation changes, the 30-day rule for setting of public hearings would not apply.*

- 6. Memorandum #17-96** - Air Pollution Dust Enforcement Program and Recommendations

David Rowles stated that in response to interest raised by Board Members at the August Board of Health Meeting regarding staffing needs of the District's APC Enforcement program, the District was providing a general overview and recommendations. In 1994, EPA designated Clark County a serious non-attainment area for PM10. Clark County Comprehensive Planning prepared, in conjunction with District APC Staff and submitted a PM10 State Implementation Plan (SIP) which was adopted by the Clark County Board of Commissioners on December 6, 1994 and referred to the State DEP for review and forwarding for EPA consideration as part of the State SIP

For several months the APCD administrative staff have been working on revisions to its PM10 enforcement approach and are implementing some changes.

Michael Naylor added that since 1994 the District has increased APC enforcement staff to 9 that includes 2 clericals and 7 field officers. Presently, the District is prepared to add 2 additional enforcement positions. This will bring the total enforcement staff to eleven (11).

*At this time, Member Woodbury moved for approval of Memorandum #17-96. Motion was seconded by Member Kincaid and carried unanimously.*

#### **IV. STAFF REPORTS**

##### **Environmental Health**

**Progress Report:** Re: Processing of Boulder City Application for Municipal Solid Waste Landfill -

## History of District Processing of Other Solid Waste Landfill Applications

Dr. Ravenholt remarked that Boulder City has proposed relocating their municipal solid waste landfill from its present site at the eastern edge of the City to a location on the western edge of Eldorado Valley. Their proposed new site is at the location of an old gravel pit operated for some years by the Nevada Department of Transportation. The proposed site is 240 acres in a larger tract of 1920 acres now set aside by the City and designated for related recycling and other use. The increment of 240 acres is expected to suffice for 60 years.

The Health District, as the Solid Waste Management Authority, has reviewed the application, conferred with the Nevada Division of Environmental Protection and required certain clarifications and modifications. The District published notice for a 30-day comment period announcing an intent to permit. A number of written comments were received during this period. Official notice has been given of a scheduled public hearing to clarify issues related to the landfill on October 7, 1996 at 7 p.m. in Boulder City. It would normally be conducted by himself in a manner similar to the hearing on a new major source seeking an Authority to Construct permit from the District Air Pollution Control Division.

There have been some questions concerning the processing of landfill applications. The District resolves issues of such an application conforming to the relevant landfill regulations and then issues an operating permit with appropriate conditions. This was the process used for the Silver State Landfill at Apex in 1993. That landfill permit did not process through the Board of Health. If precedent is a priority in the Eldorado permit application, then we should process it with technical and administrative review by Staff and with assessment from NDEP. An application for an Air Pollution Control permit for the Eldorado Landfill is also in progress for similar action but using EPA as reference.

Review of this landfill application by the Nevada Division of Environmental Protection includes the applicant's demonstration of adequate barriers against migration of constituents from the landfill to the uppermost aquifer during the active life and the post closure care period of the permitted landfill. Even though this may not be classified as a major source, the District will review the application for Air Pollution Control permit conditions with EPA Region IX.

There has been comment that there is no synthetic liner proposed. This relates to a natural liner of 250 feet of earth and clay between the bottom of the landfill cell and ground water. Regulations of EPA, State and District include the option of alternative liners, such as the 250 feet of clay and earth at this location. Such alternatives have been accepted by the States of Nevada, Utah, and Idaho for similar municipal solid waste disposal landfills. This will be reviewed with the NDEP. Further change is being made by the applicant regarding water monitoring. The District expects to hold a second public hearing in December so that complete amended application will be available to all for a full 30 days in advance.

Member Cyphers asked Staff if Boulder City was withdrawing the request for the waiver of the liner as no where in the design report is it stated that there is no potential for migration. Also, who had the authority to grant the waiver.

Dr. Ravenholt stated the request had been retracted or withdrawn and Boulder City has amended the application, therefore, this is not a request for waiver in the present mode. The regulations do not require a waiver from the liner if it can be demonstrated that there is no potential for pollution of the underground aquifer. The decision in this matter is basically State DEP director of the approved State under Federal EPA regulations. By the Memorandum of Understanding they delegate to the District the execution of solid waste management within Clark County and certain decisions cycle through them for review and concurrence in terms of the judgment.

Member Cyphers remarked that there was no problem for Administration to handle applications of landfills as long as it falls within the proper guidelines, but when there is a waiver or variance, this should come before the Board for a decision. She expressed concern about possible future effects of the environment and stressed that the applicant for the landfill needs to be able to demonstrate that there is 'no potential for migration' and that they must follow the rules. Also, this project would be monitored closely.

The Board and Staff discussed further the potential for possible migration into the ground water and the fact that salinity of water at this location exceeds 60,000 ppm of total dissolved solids. Also, discussion ensued on the type of solid waste that would be deposited at the site. Household waste transported to this landfill will originate from Boulder City homes only.

**Administration**

All sections are brisk.

**Clinics & Nursing**

All departments running smoothly.

**Air Pollution Control**

All sections running well.

**V. CITIZEN PARTICIPATION**

The Board of Health cannot act upon items raised under this portion of the Agenda until notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any actions on such items are considered at a later meeting.

Chairman Ferraro asked if any member of the public wished to be heard.

Ken Mahal, representing Nevada Seniors Coalition and CAAN, expressed concern about the air quality problem in the community and the need to increase fines for violators.

Richard Neilson, representing CAAN, thanked the Board and commended them for their efforts in solving the air quality problem.

Bernie Farr, concerned citizen, asked about the development of wording for a restaurant tax and the possibility of this being placed on the agenda. The Board directed Environmental Health staff to review this matter with Mr. Farr.

**VI. INFORMATIONAL ITEMS**

**DULY NOTED**

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 08/07/96
3. Listing of Food Establishments in Plan Review for the Period of 08/01/96 to 08/31/96 Environmental Health Division
4. Air Pollution Control Annotated Agenda, 09/12/96
5. Certificate of Appreciation to Lonnie Empey, Environmental Health Supervisor From the City of Las Vegas
6. Where I Stand Article by Dr. Ravenholt
7. Letter of Appreciation to Howard Murphy, Environmental Health Specialist II From Joseph Lathauer

**8. AIDS Cases in Clark County Surveillance Report, 08/30/96**

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 1:30 p.m.

**SUBMITTED FOR BOARD APPROVAL**

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Otto Ravenholt, M.D., Chief Health Officer  
*Executive Secretary*

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