

MINUTES

Clark County District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, May 22, 1997

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. He 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
Paula Brown	Councilman, North Las Vegas
Sherry Colquitt, RN	Appointee, Las Vegas
Susan Crowley	Appointee, Henderson
Amanda Cyphers	Councilman, Henderson
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
William Robinson	Councilman, North Las Vegas

Absent:

Kirk Cammack, M.D.	Physician Member At Large
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Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Donald Kwalick, MD; Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Mike Sword; Ed Wojcik; Hope Arrington; Karl Munninger; and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Mary Shope-Wiles	Self
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas

PRESENTATIONS:

David Rowles commended Leroy Wilson for over 31 years of outstanding fulltime service to the District while also employed fulltime for 40 years with the Riveria Hotel. He further praised Mr. Wilson for his consistency, dependability and reliability in whatever tasks he had been asked to perform.

Chairman Ferraro on behalf of the Board of Health and the District presented a plaque to Leroy Wilson in recognition for his dedication and outstanding service to the visitors and citizens of Clark County.

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.

David Rowles pointed out some corrections on the minutes of the April 24, 1997 Board of Health meeting, page 11, first paragraph, third line down should delete the words "have added" and add the words "are included in the". Therefore the state would read: "Increase in permitting fees have been passed on to the consumer and are included in the approximately \$25,000 to \$30,000 increase. The May 22, 1997 Agenda, page 2 Section III, Item #2, Petition 24-97 should reflect the establishment of "four" positions instead of "six", Item #6 should indicate "Memorandum #11-97 and Item #7 should indicated "Memorandum #10-97.

Member Robinson moved to approve the proposed changes to the April 24, 197 minutes, the May 22, 1997 agenda and the following Consent Agenda. Motion was seconded by Member Crowley and carried unanimously approving the following Consent Agenda:

1. **Minutes/Board of Health Meeting** - 04/24/97
2. **Payroll/Overtime for Periods** of 03/22/97-04/04/97 & 04/05/97-04/18/97
3. **Accounts Payable Register** - #711, 04/18/97 - 05/02/97 & #713, 05/05/97-05/15/97
4. **Petition #20-97** - Proposed Reclassification of Position Code #1453060, Public Health Nurse II, to Advanced Practitioner of Nursing, to the District's Authorized Staffing Pattern (Schedule 24)
5. **Petition #22-97** - Request for Increase in Imprest Fund
6. **Petition #23-97** - Travel Per Diem for Employee in Approved Travel Status
7. **Petition #28-97** - Interlocal Agreement with Clark County Social Service: Home Health Services to Clark County Social Service Clients (Annual Renewal)

8. **Petition #29-97** - Interlocal Agreement with Clark County Social Service: HIV/AIDS Evaluation Services to Clark County Social Service Clients (Annual Renewal)
9. **Petition #30-97** - Interlocal Agreement with Clark County Social Service: Social Worker Care Manager for Health District HIV Positive Patients
10. **Petition #31-97** - Interlocal Agreement with Clark County Social Service: Tuberculosis Test Service to Clark County Social Service Employees
11. **Petition #32-97** - Proposed New Classification Specifications for Baby Find program Community Resource Trainee (Schedule 13)

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

1. **Variance Request** - To Install an Individual Sewage Disposal System on an Undersized Lot Served by a Public Offsite Water Supply Within 400 Feet of a Public Sewer Line - Petitioner: Max D. Stander

Chairman Ferraro opened the public hearing.

Clare Schmutz remarked that Mr. Max D. Stander owner, represented by Theorgianne Ozaki who has Power of Attorney for Mr. Stander, is requesting a variance to install an individual sewage disposal system (ISDS) on an undersized lot served by a public offsite water supply, within 400 feet of a public sewer line. The lot is 7,950 square feet in size including street easement and is located on the south side of Adelle Street one lot west of Oliver Street in Overton, Nevada, in the McDonald Addition Subdivision which was recorded in 1947, and has a total of 75 lots. Legal Description: S 1/2, NE 1/4, NW 1/4, Sec. 13, T16S, R67E, Clark County, Nevada.

Section X. 10 (b) of the District's Regulations governing Individual Sewage Disposal Systems, & Liquid Waste Management states a minimum of one-fourth (1/4) acre or 10,900 square feet is required for the installation of an ISDS on a lot served by an offsite water supply, and Section IV. 4(b) requires hook up to public sewer when it is available within 400 feet of the property line.

Mr. Stander is requesting this variance due to hardship involving his wife's illness. The Clark County Sanitation District maintains a public sewer approximately 375 feet from the property line at the corner of Ingram and Oliver Streets. The cost of connection to the public sewer line is \$3,500 - \$5,000 for engineering and surveying and \$20,800 for installation. The Sanitation District has issued a letter stating they have no objections regarding the variance if the Board of Health approves it.

Staff has determined that an ISDS can be located on the property and not create a public health problem and recommended approval with the following conditions:

- a. The system be installed to comply with all other requirements of the Individual Sewage Disposal System Regulations.
- b. Construction of the ISDS must be commenced within one (1) year of the date thereof. If the construction has not been commenced within that period of time, this variance shall expire and be of no further force and effect, unless application is made for an extension of time prior to the expiration date by the applicant or the applicant's successor(s) in interest.
- c. The applicant and his successor(s) in interest shall abide by all local governmental regulations requiring connection to public sewage systems.

- d. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any public sewage system constructed in the future at applicant's property line when the owners are notified and legally required to do so.

Ian Ross, Legal Counsel asked Ms. Ozaki if she agreed with the conditions stated by Staff. Ms. Ozaki stated "Yes".

There being no further comment, Chairman Ferraro closed the public hearing.

Member Cyphers moved for approval of the Variance with the conditions noted by Staff. Also, finding that there are circumstances or conditions which are unique to the applicant that does not generally affect other persons subject to the regulations. Compliance with the regulations would be unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant. Granting the Variance is necessary to render substantial justice to the applicants 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 Colquitt and carried unanimously.

- 2. Variance Request -** To Install an Individual Sewage Disposal System in Laughlin Nevada Where the Board of Health has a Moratorium on the Installation of Individual Sewage Disposal Systems - Petitioner: Harold B. Williams, American Legion Post #60

Chairman Ferraro opened the public hearing.

Clare Schmutz explained that Mr. Harold B. Williams, on behalf of American Legion Post #60, is requesting a variance to install an individual sewage disposal system (ISDS) in Laughlin (Southpoint), Nevada, where the District Board of Health established a moratorium on ISDS June 26, 1968. The property is 29,786 square feet in size and is served by a non-community public water system, and is located on Desert Road east of Needle Highway. Legal Description: E 1/2, SW 1/4, SW 1/4, SW 1/4, Sec. 15, T32S, R66E, Laughlin, Clark County, Nevada.

The American Legion Post #60 has leased five (5) acres of land from the Bureau of Land Management for the purpose of construction and operation of a Post facility. The Clark County Sanitation District maintains a public sewer line approximately 4,000 feet to the east of the property on Desert Road. Cost of connection to the public sewer line is estimated at between \$90,000 and \$100,000.

In June of 1968, the Environmental Health committee recommended to the District Board of Health that a moratorium be established on the installation of ISDS in the Laughlin (Southpoint), Nevada area as a preventive measure against possible pollution of ground and surface water to the Colorado River. This recommendation was made to the Board of June 26, 1968, and was approved.

Because of the two mile distance between the property in question and the Colorado River, Staff recommended approval of the variance with the following conditions:

- a. The system be installed to comply with all requirements of the ISDS regulations.
- b. That after the Post facilities are completed no additions will be made without the approval of the Health District.
- c. Construction of the ISDS must be commenced within one (1) year of the date hereof. If the construction has not been commenced within that period of time, this variance shall expire and be of no further force and effect, unless application is made for an extension of time prior to the expiration date by the applicant or his successor(s) in interest.

- d. The applicant and his successor(s) in interest shall abide by all local governmental regulations requiring connection to public sewer systems.
- e. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any public sewage system constructed in the future at applicant's property line when the owners are notified and legally required to do so.

Richard Springston representing Post #60 commented that because of the 4,000 feet distance from the property to the sewer connection the cost of permit fees would pose a hardship on the Post.

Member Robinson asked Mr. Springston if they agreed with the four (4) conditions recommended by Staff. Mr. Springston stated that "Yes, we do".

There being no further comment, Chairman Ferraro closed the public hearing.

At this time Member Kincaid moved for approval of the variance with the conditions recommended by Staff. Finding that there the Variance with the conditions noted by Staff. Also, finding that there are circumstances or conditions which are unique to the applicants that do not generally affect other persons subject to the regulations. Compliance with the regulations would be unduly burdensome and cause a hardship to and abridge a substantial property rights 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 Ravitch and carried unanimously.

- 3. Variance Request** to Install an Individual Sewage Disposal System on an on an Undersized Lot Served by a Private On-Site Water Supply. **Petitioner:** Michael R. Schuermann for Consuelo S. Davis

Chairman Ferraro opened the public hearing.

Clare Schmutz remarked that Mr. Michael R. Schuermann on behalf of Consuelo S. Davis is requesting a variance to install an individual sewage disposal system (ISDS) on five (5) 27 ft. x 125 ft. lots for a total of 16,875 square feet excluding easements served by an on-site private water well. The lots are located on the corner of Pacific Avenue and Vegas Avenue in Goodsprings, Nevada. Legal Description: Lots 1 through 5, Block 56, Goodsprings Townsite, N 1/2, SE 1/4, NE 1/4, Sec. 26, T24S, R58E, Clark County, Nevada.

Section X.10.(a) of the district's Regulations Governing Individual Sewage Disposal systems requires a minimum area of one (1) acre for the installation of an ISDS where the water supply is from an on-site water well.

The Goodsprings Townsite is comprised of many small lots of 27 ft. x 125ft., and was divided in 1904. There are much smaller lots that are now permitted for a private well and ISDS. Neither public water nor sewer service are available in Goodsprings.

Ms. Davis purchased these lots, as well as lots 6 through 10 in block 56, from Ronald and Steven Hedrick in July 1994. The Board of Health had granted variances to the Ronald and Steven Hedrick for lots 1 through 5 and 6 through 10 on May 26, 194, to be developed for their children; instead, they were sold to Ms. Davis. The Hedrick's variances expired on May 26, 1995.

Ms. Davis is now requesting a variance for lots 1 through 5 due to hardship involving an on-going medical condition.

Staff has determined that a well and an ISDS can be located on these five (5) lots and maintain a 100 foot distance between them, as in 1994. Approval of the variance was recommended with the following conditions:

- a. The system be installed to comply with all other requirements of the Individual Sewage Disposal System Regulations.
- b. Construction of the ISDS must be commenced within one (1) year of the date thereof. If the construction has not been commenced within that period of time, this variance shall expire and be of no further force and effect, unless application is made for an extension of time prior to the expiration date by the applicant or the applicant's successor(s) in interest.
- c. The applicant and his successor(s) in interest shall abide by all local governmental regulations requiring connection to public sewage systems.
- d. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any public sewage system constructed in the future at applicant's property line when the owners are notified and legally required to do so.

Member Kincaid asked Mr. Schuermann if they accepted all of the conditions recommended by Staff. Mr. Schuerman stated "Yes, we do".

There being no further comment, Chairman Ferraro closed the public hearing.

Member Kincaid moved for approval of the variance with the conditions recommended by Staff. Finding that there the Variance with the conditions noted by Staff. Also, finding that there are circumstances or conditions which are unique to the applicants that do not generally affect other persons subject to the regulations. Compliance with the regulations would be unduly burdensome and cause a hardship to and abridge a substantial property rights 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 Brown and carried unanimously.

4. Memorandum #07-97 - Public Hearing: Possible Adoption of Proposed Environmental Health Permit and Plan Review Fees

Clare Schmutz remarked that during the March 27, 1997 Board of Health Meeting, the board approved holding a Public Hearing on May 22, 1997 to accept public comment on proposed fee 15 percent increase for Environmental Health Permits and Plan Review fees. It has been five (5) year since the fees have been increased. Staff felt that the 15 percent increase was justified since over that period of time the consumer index has increased by approximately 22 percent. Notice of the public hearing was published in the local newspapers and/or public locations in Las Vegas, Henderson, Boulder City, Moapa Valley, Mesquite and Laughlin as required.

Approval of the proposed fee schedule would provide approximately an additional \$315,000 to the current annual total of Environmental Health permit fees. At present, the Environmental health budget approved by the Board for this fiscal year is \$3,169,380. This does not include program costs for covered State/Federal grants. The current expected Environmental Health permit revenue for this fiscal year is \$2,100,000.

The proposed 15 percent increase covers all categories except Subdivisions and Construction Permits for Individual Sewage Disposal Systems. The proposed fees for Subdivisions are from the present \$100 base fee plus \$1.00 per dwelling unit/building lot to \$150 base fee plus \$1.50 per dwelling unit/building lot when connected to public sewer, and a \$200 base fee and \$2.00 per

dwelling unit/building lot when not connected to public sewer. Resubmittal fee for a tentative map or improvement plans resubmitted after prior disapproval is \$100.

Fees for the construction of residential individual sewage disposal systems will increase from a \$54 permit fee with a \$38 re-inspection fee, to a \$100 permit fee and \$50 re-inspection fee. Commercial individual sewage disposal system permit fees will increase from a \$108 fee and \$54 re-inspection fee to a \$200 permit fee and \$50 re-inspection fee. These proposed fees are in line with current State Health Division fees.

The matrix of fees indicating the current fees, proposed 15 percent increase, and comparisons with the present State Health Division and Washoe County Health District fees, has been provided to 29 government entities as well as various professional associations whose members may be affected by the proposed fee increases.

Staff has received positive input from the Nevada Restaurant Association and other affected organizations to the proposed increase in fees. Staff asked that the Board adopt the proposed increased fee schedule for Health Permits and Plan Review Fees.

Chairman Ferraro opened the public hearing.

Van Hefner, President of the Nevada Restaurant Association (NRA) and the Nevada Hotel and Motel Association (NHMA), stated that the NRA represented 600 members with over 80 percent of those members in Clark County and the NHMA represented 160 properties throughout the state with approximately 75 percent of those properties in Clark County. The Associations had met with members of Staff and felt that the proposed increase was conservative and on behalf of the Board of Directors for both Associations supported the proposed fee schedule increases.

Barbara Orchard, Member of the Nevada Restaurant Association Board, added that the health District had been very helpful in providing education to their members, the proposed fee increases held merit and the Association would be supportive of them.

Clare Schmutz commented that during discussions of proposed health permit and plan review fees with members of the swimming pool and spa industry, we were advised that District Health permits and Plan Review Fees for swimming pools over 3,000 square feet are not enough and should be increased more than the proposed 15 percent.

Dr. Ravenholt explained that the comments that originated with the pool industry was that to have a single category above 2,000 square feet was not adequate as the work involved increases with size. Therefore, a fee category might be added that related to the 3,000 square foot plus pools that increased with the surface size or square footage of the pool(s).

Ian Ross, Legal Counsel remarked that the proposed increases in addendum, Attachment D of Memorandum #07-97 does reflect the actual Health District cost for the expanded commercial swimming pool and spa inspections.

Clare Schmutz stated that Environmental Health Staff visited the Maricopa County Health Department in Phoenix, Arizona to compare their swimming pool fee schedule with those proposed by Staff. The Maricopa County fees for swimming pools larger than 3,000 square feet are approximately double what Health District Staff is suggesting.

Member Crowley remarked that apparently Staff had good support from the community and asked what are the plans for the money received from the proposed fee increase?

Hope Arrington explained that the money would be used to cover program cost, ie, the addition of three (3) fulltime swimming pool inspectors.

Lou Toomin, representing NSPI stated that he had reviewed the Health District very carefully and commended Dr. Ravenholt for running the District on a shoestring budget and for keeping one of the fastest growing counties in the country safe as regards to public health. The proposed fee increases were very modest and suggested that they could be increased more than the 15 percent recommended by Staff. Concern was expressed on the dollar amount stopping on the schedule for the initial proposed pool fees with regard to plan review and inspections on swimming pools over the 2,000 square foot level as District Staff still would spend the man hours on large pools, such as the over 12,000 square foot pool planned at the Desert Inn Hotel. He added that the \$260 fee for a 2,000 square foot pool would not cover the actual cost numerous hours spent in plan review for a 12,000 square foot pool. Consequently, NSPI suggested that the larger pools should bring more funds into the pool program. Also, District Staff should consider revising the fee schedule to reflect a substantial fee increase for pools over 2,000 square feet and modify the schedule beyond 10,000 square feet to reflect the pool size as many of the resort pools are becoming very large. In California the pool fee for a 12,000 square foot pool would be approximately \$3,000.

Also, NSPI wanted to make sure that the funds received from the increases would go towards the pool program and recommended that a caveat attached to the proposed fee increase schedule be added that 2 sanitarians and 1 inspector be filled with the revenue. He also suggested that the entities may want to revise their formulas for pool permit fees.

Discussion ensued by the Board and Staff concerning the possibility of adopting the proposed environmental health fees with the exception of the swimming pool fees in order to have further Staff input at a future meeting. Also, if adoption of the swimming pool fees were delayed for a future meeting, Staff would not be able to collect the funds from the increase until 1998 as the 6-month billing, scheduled to be forwarded to permittees on July 1, 1997 would not reflect the increase.

There being no further testimony, Chairman Ferraro closed the public hearing.

Member Robinson moved to approve Memorandum #07-97 according to Staff recommendation with the Expanded Options Schedule on Attachment D. Motion was seconded by Member Colquitt and carried unanimously.

He Board directed Staff to revisit the proposed addendum fee schedule, the Expanded Options on Attachment D to reflect increases for pools over 10,000 square foot as soon as a schedule had been developed.

III. REPORT/DISCUSSION/POSSIBLE ACTION:

1. Committee Report - Air Pollution Control Hearing Board Member Expiring Terms

Committee Chairman, Member Colquitt, explained that the public notice was published. The Committee is awaiting the deadline for applicants for the positions. We have received a letter of resignation from the Hearing Board from Ms. Virginia Valentine and also included that position in the public notice. Recommendations should be available for the Board of Health at the next meeting.

Dr. Ravenholt added that the public notice is postmarked for May 23, 1997 as the deadline for receipt of applications for the positions.

2. Petition #24-97 - Establishment of Four New Positions for Air Air Pollution Control Division

David Rowles remarked that in trying to keep up with enforcement efforts that are needed in the Valley, Staff was proposing to initiate the hiring process with a target start date of July 7, 1997 for the addition of the following four (4) positions for fiscal year 97-98:

1. Enforcement Officer
2. Enforcement Officer
3. Air Quality Monitoring Technician I
4. Senior Administrative Clerk

With funding from fee increases approved last month, staff plans to augment a total of six (6) positions for fiscal year 97-98. The fifth and sixth position is for a Compliance Supervisor and an additional clerical position which we plan to present on or before August for Board approval and authorization for recruitment.

Member Robinson moved for approval of Petition #24-97, Establishment of Four New Positions for the Air Pollution Control Division. Motion was seconded by Member Kincaid and carried unanimously.

Member Colquitt asked how the hearing officer process was proceeding.

Michael Naylor commented that to date there have been 3 meetings held, one with each hearing officer and the process is developing well. The most significant difference has been in the time that has been used per case as opposed to the old system.

3. Petition #26-97 - Request to Set a Public Hearing on Draft Amendments to Section 12.4 (Emission Reduction Credit Requirements) of Section 12 (Preconstruction Review of New or Modified Stationary Sources) of the APC Regulations

Michael Naylor commented that Staff was requesting that a public hearing be set for June 26, 1997 at approximately 8 to consider draft amendments to Subsection 12.4 of Section 12 of the APC regulations. He briefly explained that Petition #26-97 reviewed the District Air Pollution Control Regulations requirement to offset emissions from new and modified sources for a number of years.

To date \$1.5 million has been received by the District and transferred to the public works departments to pave publicly maintained roads. In the last year, a private credit system has been established whereby a paving company can pave roads that have been designated by public works departments and earn credits. For example, Las Vegas Paving has paved approximately 7 miles of busy roads. The credit system has also been working well with the Vapor Recovery credits that are available with the gasoline stations.

Staff has been approached with the idea that existing stationary sources, particularly the older ones could use some improvements and have emissions below what they are allowed to emit which could generate credits. The issue is one of timing. To facilitate more opportunities to obtain these credits, Staff is recommending that a new company being built could use this type of credits as long as they get improvement credits by the time they commence operation. Currently, they are required to have the credits before they commence construction. The draft amendments for these credits would pertain to major sources outside the Las Vegas Valley or management area

and minor sources in the non-attainment area.

We have introduced for conceptual purposes and some Board guidance a credit for motor vehicle emission reduction. An individual could make a payment into a fund to repair and/or remove gross polluting vehicles. The individual making the payment into the fund could receive carbon monoxide credits.

Discussion ensued by the Board and Staff concerning the conceptual credit for motor vehicles. Dr. Ravenholt added that the issue in part becomes one of where can a new source achieve a two for one offset for the emissions related to the new source as there are not very many old stationary sources in the Las Vegas Valley/Clark County. The mobile sources could be an alternative of obtaining credits from vehicle emission reductions.

Member Robinson moved to approve Petition #26-97 to set a public hearing on June 26, 1997 at approximately 8 a.m. Motion was seconded by Member Kenny and carried unanimously.

Staff will provide additional information on the conceptual credit for motor vehicle emissions at a later date.

4. Petition #27-97 - Award of Bid for the Mechanical Upgrade, Building 2

David Rowles explained that this award of bid was for the additional remodeling/expansion of the old Clark County Social Services Building which currently is the unfinished portion of our Air Pollution Control building structure. We have approximately 4 to 6 office spaces that are being remodeled. Staff asked that the Board award Cool Valley Air (at \$37,735) as the lowest responsive and responsible bidder for air conditioning and heating equipment upgrades to the Air Pollution Control annex.

Member Kincaid moved to award the bid to Cool Valley Air. Motion was seconded by Member Crowley and carried unanimously.

5. Memorandum #09-97 - Resolution for Mandating 3.5 Percent Oxygenate Content in Gasoline

Michael Naylor remarked that in 1995, the Board of Health adopted a resolution committing to adoption of a regulation for gasoline which would meet a minimum 3.5% oxygen by weight, commencing October, 2001. Known as an ethanol mandate, the regulation was to be adopted by June 1, 1997. Such regulation would disallow the use of ethers, such as MTBE, which cannot be blended above 2.7% oxygen by weight. The present regulations allow a marketer to choose either an ethanol or MTBE. The regulations mandate that when ethanol is used, 3.5% oxygen content is required.

In March 1997, the Clark County Commission adopted a resolution recommending an acceleration of ethanol mandate from October 2001 to October 1997.

The 1995 resolution by the Board of Health describes future analyses to assess the need for this level of oxygen before further action is taken. One of those analyses included revisions to the anticipated benefits associated with increased oxygen in gasoline.

In brief, given the more recent knowledge on the benefits of oxygenated gasoline which are about half of what they were expected to be, Staff recommends that the board not proceed with an ethanol mandate at this point for the following reasons:

- a. We have had oxygenated gasoline in the market since 1989. Oxygenated marketers have voluntarily chosen gasoline with ethanol (at 3.5% oxygen) content and the industry expect that the same situation will occur this fall.
- b. It appears that the emission benefits assumed for 1995-200 are overly optimistic. For 1995-2000, the current State Implementation Plan (SIP) calls for 2.7% oxygen in gasoline. The SIP estimates that this yields a 30% reduction in CO. Based on a recent literature survey, including a detailed analysis by the Oxygenated Fuels association, actual benefits re-estimated at 12 to 15%. The SIP estimates are based on EPA's emission calculation software known as Mobile5. EPA acknowledges a disconnect between the current literature and the Mobile 5 prediction. EPA expects that a new model, Mobile6, will be available in late 1998.
- c. It would not be prudent to expect additional credits from oxygenated gasoline by mandating an increase in the minimum oxygenate content. The purpose of the original commitment in 1995 was to accumulate additional emission benefits that would be enforceable in order to assure conformity of the future mobile source budgets. But the future mobile source budgets are being recalculated as air quality modeling efforts continue by the Clark County Department of Comprehensive Planning.
- d. The SIP, adopted in 1995, is being rewritten by the Department of Comprehensive Planning, pursuant to the pending re-designation of the Las Vegas Valley as serious non-attainment area. The Valley would have a new attainment deadline of December 2000, but clean air must be achieved by January 1, 1999.
- e. The new SIP, due by approximately January 1, 1999, will need to assure that attainment can be maintained for the next 20 years. After pursuing all options, development of the new plan will allow an opportunity to revisit the issue of increasing the minimum oxygenate content.

Discussion followed between the Board and Staff concerning the comparison of benefit for MTBE if it cannot be blend above 2.7%. The overall benefit of the program is far less than what EPA indicates.

Member Kincaid remarked that it was her understanding that EPA is going to give the Valley more credits for the 3.5% that we are not getting at 2.7%, even if they are false credit, it would seem to benefit the community to use the 3.5. Also, even though the local marketers are using the ethanol EPA does not give the valley the entire 3.5 credit because EPA assumes because we have the choice that half are using the 2.7 and the other half 3.5. If at a later date the cost of ethanol become extraordinarily high that no one can afford to use it then the industry will most likely ask to do something about it. In the meantime the Valley needs to get every ounce of credit we can get from EPA

Michael Naylor explained that the SIP estimates are based on EPA's emission calculation software known as Mobile5. EPA expects that a new model, Mobile6, will be available in late 1998. At that time, the Board may want a ethanol mandate.

Member Kenny commented that the cost difference between MTBE and ethanol will matter to the residents of Clark County who are primarily concerned about getting the maximum benefit from clean air. Also, now was not the time to make our rules less stringent by not having a ethanol mandate. She asked Mr. Naylor where he was getting the data stating that there was not as much benefit.

Michael Naylor remarked that the Centers for Disease Control (CDC) looked at some air quality changes throughout 30 to 40 cities in the United States (including Las Vegas) with and without oxygenated gasoline. The cities with oxygenated gasoline showed a 12 percent improvement versus the cities that did not have oxygenated gasoline. Also, the most recent study by the Oxygenated Fuels Association, which is an industry group supporting ethanol and MTBE. The

Association's study was a follow up to the study conducted by CDC had basically the same results. The literature is showing that EPA is over estimating the benefits of oxygenated gasoline. EPA has not recognized the difference and can give one a false sense of security.

Cindy Hausenjager representing Regent International a local ethanol supplier, stated that oxygenated gasoline is one of the most cost effective measures for controlling CO. The issue is basically timing as to whether the conformity measures should start this winter or the original proposal in the year 2001. Presently, the market is voluntarily using the 3.5 level of oxygen. She expressed concern that without a mandate there may be some backsliding on the oxygen level. From an industry standpoint, the price of ethanol will remain competitive and cheaper than MTBE. Also she expressed concern about Mobile6 not being available on the time schedule EPA is preparing.

Clete Cus of Clark County Comprehensive Planning stated they believed that the oxygenated fuels program has provided significant CO emission reduction, is the most cost effective, and is a measure that has gained acceptance by the public. It was necessary to move forward with the 3.5% oxygenated gasoline program. If the price of ethanol were to increase the option of allowing the marketers the choice of the selection of the MTBE 2.7% could essentially reduce any progress currently made in the Valley. Also, on March 17, 1997 the Board of County Commissioners adopted a resolution requesting that the Board of Health move forward and consider adoption of regulations requiring that the oxygenate content of gasoline sold in the Las Vegas Valley between October 1 through March 31 be set at 3.5 percent ethanol beginning October 1, 1997. Adoption of this mandate would assist in attempts to attain the national CO standard as soon as possible.

Member Kincaid moved to direct staff to bring forth draft amendments at the June 26, 1997 meeting to set a public hearing on the regulations in support of a 3.5 gasoline commencing in 1997 Motion was seconded by Member Kenny and carried unanimously.

6. Memorandum #10-97 - District Legal Counsel Contract

Chairman Ferraro appointed the following to review Legal Counsel contract and make a recommendation to the Board at the June meeting: Member Colquitt, Committee Chairman; Member Kenny; and Member Kincaid

7. Memorandum #11-97 Air Pollution Control Hearing Board Legal Counsel Contract

Chairman Ferraro asked the above committee also review the Hearing Board Legal Counsel Contract. Member Kenny moved that the committee also review the Hearing Board Legal counsel Contract. Motion was seconded by Member Kincaid and carried unanimously.

IV. STAFF REPORTS

Administration

David Rowles introduced Erin Wax a UNLV interning in the Health Education section to the Board. Staff held an employee service luncheon in recognition of employees who have been employed with the District from 5 to 30 years.

He gave a brief update on the following legislative bills: AB29, Do Not Resuscitate, has made it through the Senate and went to a joint committee for resolution of one provision. We believe that it will have a successful outcome. SB251, Transferal of the Oxygenated Fuels Program to the Agricultural Board. We do not believe that this bill as originally presented will receive further action. There is also agreement by the Agricultural Board that they do not wish to take the regulatory authority from the

District Board of Health. SB278, Regarding Solid Waste. The language that District Staff wanted to see amended was reviewed by Senator Titus and at a recent hearing she withdrew language that the Health District felt presented difficulty in the enforcement of the Solid Waste regulations.

Staff processed 10,149 health card applications in April. In the month of April 1,373 birth certificates were processed and 746 death certificates.

We are continuing negotiations for an east valley clinic site and will keep the Board apprized of our progress.

Dr. Kwalick gave a brief explanation of the Tuberculosis case at O'Callahan Middle School that had lately been in the news. On Tuesday Staff went to the school and administered approximately 300 skin tests, which included all of Track 4 plus other students and school staff. Presently, District Staff are reading the skin test to see if any have converted or are positive. Based upon the results of the readings, District Staff will take the appropriate measures. The patient in question is being cared for. He commended Clark County School District Staff for their good cooperation with Health District Staff in the handling consent forms and processing individuals appropriately.

Dr. Ravenholt added that the 12 year old was last in school on April 4, 1997. On the school break the 12 year old was diagnosed with Tuberculosis in a clinic in California. Health District Staff received notification through the California Health Department at the end of April. Laboratory confirmation of this type of disease takes several days. However, remedial management for the 12 year old is underway. Two weeks ago, Health District Staff started the in-school orientation of staff and others. Letters were sent out to 2,400 parents and students in the middle school. There were 160 students in the particular case student series of classes who were the focus of the testing on Tuesday. The skin testing has been open to any individual who wished but there were approximately 160 students in the particular 12 year old case student series of classes.

We anticipate that there will be positive results on some of the individual skin tested as some may have had exposure from other backgrounds. Positive cases will be dealt with on an individual basis.

Skin testing of children has never been a condition of school entry. The state establishes the immunization issue for school entry. Tuberculosis cases in the U.S. continue to steadily decrease. Presently, there are less than 20,000 cases this year and approximately half of the cases originate outside the U.S. because of the continued influx of individuals from countries where there is Tuberculosis. The Health District prophylactically treats over 1,000 people a year to reduce the chance of development of active disease later in life. Active cases are treated prophylactically with some receiving acute hospital care for two weeks until the medication has converted the individual to being negative and no longer a danger to others. Treatment is continued for a year or 18 months after that time. A growing number are treated with directly observed therapy whereby the nurse actually goes out and makes sure that the medication is taken.

Air Pollution Control

Michael Naylor asked for suggestions from Board Members on emission reduction credits. The Board felt that a much more positive approach would be that a company would receive emission reduction credit that can go to repairing high emitting automobiles for low-income individuals or the purchasing of vehicles for individuals.

Michael Naylor clarified that the fund would be a revolving loan fund so that the individual borrowing the money would have to pay it back but the loan could be used for either repairs or to remove the vehicle from the road by buying a new vehicle.

We have had 9 exceedances of Particulate Matter for the first four months of 1997 compared to 18 the

first four months of 1996.

Clinics & Nursing

Fran Courtney commented that Health District has operated a seniors program for over 10 years. Over that period of time it has been well utilized by the seniors in the community. The program services included a physical assessment by a nurse practitioners for seniors over 60 years of age.

Over the last year and half we have seen a steady decline in the number of seniors participating in the program. The District became concerned because the cost of the physical assessments increased and the clientele decreased. District staff went into the senior community to talk to seniors that were utilizing the program and asked what we could do in order to make it easier for them to make appointments and come in for services. We even offered to do physical assessment at on of the local seniors high rise community and was informed by them that adequate opportunities are available in the community for physical assessment. It appears with the increase of HMO, PPOs and other insurance offered senior plans it has become less of need by the seniors to have the service provided by the Health District.

As a result, effective June 30, 1997, the Health District will no longer offer the service. Discussions were held with the Division of Aging and the seniors in the community to see what needs existed for the seniors. The need that was identified, primarily by the Division of Aging, was the education of seniors of the availability, and types of transportation in the community. The District has developed a proposal that has been presented to the Division of Aging to create a position of transportation resource specialist. This responsibility of this position would be to identify what transportation is available in Clark County for seniors, especially for medical needs and to develop a resource directory that would useful for seniors and other organizations that work with seniors. Also, on a one-on-one basis help seniors to identify what transpiration is available and what is most appropriate for their needs and how to access that service.

The District also provides a foot care clinic for seniors that has seen an increasing need. Therefore we are in consultation with providers in the community which we are offering to train more personnel in order to expand this service to the seniors.

V. CITIZEN PARTICIPATION

Items raised under this portion of the Agenda cannot be acted upon by the Board of Health until the notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any action on such items will have to be considered at a later meeting.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 04/02/97
3. Listing of Food Establishments in Plan Review for the Period of 04/01/97 - 04/30/97
Environmental Health Division
4. Air Pollution Control Hearing Officer Annotated Agenda - 05/01/97 & 05/08/97
5. Air Pollution Control Monthly Report, 04/97
6. Home Health Advisory board Minutes, 04/24/97
7. Letters of Thanks and Appreciation

VII. VIIADJOURNMENT

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 10 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/mlg