

# MINUTES

## Clark County District Board of Health Meeting

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room - 8:00 A.M.  
*Thursday, August 28, 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 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
Paula Brown	Councilman, North Las Vegas
Kirk Cammack, M.D.	Physician Member At Large
Susan Crowley	Appointee, Henderson
Amanda Cyphers	Councilman, Henderson
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Stephanie Smith	Councilman, North Las Vegas

Absent:

Gary Reese	Councilman, Las Vegas
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Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

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

**PUBLIC ATTENDANCE:**

<b><u>NAME</u></b>	<b><u>REPRESENTING:</u></b>
Stephen E. Hughlett	RKA & Associates, Inc.
Kevin R. Stolworthy	Western States Petroleum Associates
Russ Wilde	Nevada Dept. of Transportation - Carson City
Joe W. Brown	Jones, Jones, Close & Brown / WSPA
Malcolm Weiss	McClintock, Western: WSPA
Elliott Heidi	McClintock, Western: WSPA
Gina Grey	Western States Petroleum Associates
Lee Hamilton	Chevron Products Company
Bernie Farr	Self
Rob Kennedy	Calnev Pipe Line Company
Steve D. Smith	Tosco Corporation (Circle K & Unocal 76)
Clete Kus	Clark County Comprehensive Planning
Leslie Long	City of North Las Vegas
George Ross	ARCO
Dick Serdoz	NDEP - Las Vegas
Charles Tabor	Rebel Oil, Inc.
Carl Bailey	Rebel Oil, Inc.
Jack Greco	Nevada Gas Retailers / Nev. Petroleum
Marie Hutton	NCOA
Doug Vind	Regent International
Helen Foley	Regent International
Joanna Brooks	Regent International
Linda Andrews	ARCO Products Company
Amin Corts	ARCO Products Company

**PRESENTATION:**

Chairman Ferraro speaking for the Board of Health and the District presented a plaque to Stanton Jones in recognition and appreciation for dedication and outstanding service to the citizens and visitors of Clark County as a Member of the Air Pollution Control Hearing Board for 18 years

Stanton Jones thanked the Members of the Board Members and Staff. He expressed that it had been a privilege to serve the community on the Air Pollution Control Hearing Board. It has been interesting to see the changes to the air quality in the Valley and to see the Board moving forward to improve it by developing a research committee.

**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 Colquitt moved to approve the Consent Agenda. Member Brown seconded the motion and carried unanimously approving the following Consent Agenda:*

- 1. Minutes/Board of Health Meeting** - 07/22/97
- 2. Payroll/Overtime for** Periods of 6/14/97-6/27/97; 6/28/97-7/11/97; 7/12/97-7/25/97

3. **Accounts Payable Register** - #717, 7/18/97-8/8/97; #718, 8/11/97-8/21/97
4. **Petition #47-97** - Agreement with Nevada State Division of Environmental Protection for Local Underground Storage Tank Program (Annual Renewal)

## 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 Private Onsite 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 sq. ft. excluding easements) served by a private on-site water well. The lots are located at the southeast corner of Pacific Avenue and Revere Street, Goodsprings, Nevada. Legal description: Lots 6 through 10, Block 56, Goodsprings Townsite, N½SE¼NE¼, Sec. 26, T24S, R58E, Clark County, Nevada.

Section X.10 (a) of the District Board of Health Regulations Governing Individual Sewage Disposal Systems & Liquid Waste Management require a minimum area of one (1) acre (43,560 sq. ft.) for the installation of an ISDS where the water supply is from an onsite water well.

The Goodsprings Townsite was divided in 1904, and consists of many small lots of 27 ft. x 125 ft. These are much smaller lots than now permitted for a private well and individual sewage disposal system. Since there is neither public water nor sewer service available in Goodsprings, the Board has been requiring 5 contiguous lots for a septic tank variance.

Ms. Davis purchased these lots, as well as Lots 1 through 5 in Block 56 in July 1994. The Board of Health had granted Variances to Ronald and Steven Hedrick for Lots 1 through 5 and 6 through 10 on May 26, 1994. The variances expired after a year. On May 22, 1997, the Board granted a Variance to Ms. Davis for an individual sewage disposal system for the property of Lots 1 through 5, Block 56.

Ms. Davis is now requesting an ISDS Variance for the property of Lots 6 through 10 due to hardship involving an ongoing medical condition.

Staff has determined that a well and ISDS can be located on this property and maintain a 100 ft. distance between them. Therefore, staff recommends approval of this Variance with the following conditions:

- a. The system be installed to comply with all other requirements of the Individual Sewage Disposal System & Liquid Waste Management Regulations.
- b. 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 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 community sewage systems. Use of the ISDS shall be

discontinued and the structure it serves shall be connected to any community sewage system constructed in the future at Applicant's property line when the owners are notified and legally required to do so.

Chairman Ferraro asked the applicant if he were willing to accept the conditions on behalf of Consuelo S. Davis. Mr. Schuermann stated, "yes".

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

*Member Cyphers moved for approval with the conditions outlined by Staff. Finding that there are circumstances or conditions that 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 applicant and enable her to preserve and enjoy his property and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Ravitch and carried unanimously.*

**2. Memorandum #18-97 Public Hearing Public Hearing on Amendments to APC Regulations Section 53 (Oxygenated Gasoline Program)**

Michael Naylor remarked that the proposed regulations specified that the minimum oxygen content of wintertime gasoline shall be 3.5% oxygen by content, starting October 1, 1997. The amendments would disallow the use of ethers in wintertime gasoline. The current rules require that ethanol blends contain 3.5% oxygen from October 1 through March 30 and that gasolines blended with MTBE or other ethers contain 2.7% oxygen content during the same period.

The proposed regulations specify that the minimum oxygen content of wintertime gasoline shall be 3.5% oxygen by weight, starting October 1, 1997. On March 18, 1997, the Clark County Commission adopted a resolution requesting that the Board of Health adopt such a requirement for implementation this fall. The Commission's request accelerates by four years an earlier commitment made by the Board of Health. The proposed Regulations will not allow the use of MTBE or other ethers that, by federal law, cannot exceed 2.7% oxygen by weight. Because ethers cannot meet the higher oxygen target, the 3.5% proposal is also known as an ethanol mandate. EPA has designated the Valley as a serious nonattainment area for Carbon Monoxide [CO]. Additional reductions of CO emissions will be needed to reach attainment. Adoption of the proposed regulation would help the Las Vegas Valley achieve attainment of the National Ambient Air Quality Standard for CO.

According to EPA, the CO reduction benefit for 2.7% oxygen is approximately 30%. The benefit for 3.5% oxygen is approximately 38%.

Approval of the proposed mandate may not result in any actual air quality improvements associated with the "oxy" program since the 3.5% oxygen content has been voluntarily achieved for the last two winter seasons.

Approval of the mandate would have at least two benefits:

- a. This fall, if marketers were still allowed the option to use MTBE and elected to sell gasoline containing 2.7% oxygen, carbon monoxide emissions could increase approximately 4 percent (16 tons per day). That situation would make it more difficult for the County Commission to devise strategies to reach attainment.
- b. The EPA assigns a high emissions reduction credit to oxygenated gasoline proportional to

the oxygen content if the content is legally enforceable. This credit will facilitate the Valley's ability to meet future emissions budgets required for transportation project analysis and could assist in expediting the federal approval of new transportation plans.

Given normal marketplace supply of gasoline and oxygenates, this proposed mandate should not result in an increase in the price of gasoline, compared to the price associated with the current regulations. All gasoline marketed in the Las Vegas Valley in the last two mandate seasons has been oxygenated with ethanol at 3.5% oxygen by weight because of a federal tax credit for use of ethanol. Marketers could have used MTBE or other ethers, but they selected ethanol apparently because it was a cheaper oxygenate.

The Health District has sent public notice to about 500 individuals and companies, including approximately 200 gasoline dispensing facilities, and publicly noticed this hearing in the Las Vegas Review Journal on July 13, July 27, and August 10.

Mr. Naylor briefly reviewed letters received from Exxon in opposition to the proposed changes. A letter received from TOSCO Corporation asking for an amendment to the regulation exempting racing fuel from the 3.5 requirement was also discussed. Under the federal EPA rules racing fuel cannot legally meet the 3.5 oxygen content. Staff supported the proposed amendment to exempt racing fuel.

Clete Kus, representing the Clark County Department of Comprehensive Planning (CCCP) on behalf of the Board of County Commissioner requested the support of the Board of Health for adoption of the proposed amendments to Section 53 of the Air Pollution Control Regulations. Recently, in June, the EPA designated the Las Vegas Valley as serious for carbon monoxide. The air quality has been improving over the last few years, but we still need to reduce ambient concentrations by approximately 8 to 10% for the purpose of attaining and maintaining the national CO standard. In order to achieve this additional measures are required. The Valley has been deriving benefits for the oxygenated fuels' program, but more effort is needed to maintain the progress that has already been made. Oxygenated fuels remain the most cost effective control measures for carbon monoxide. Last April Clark County began work on development of an air quality implementation plan to address the requirements of EPA classification as a serious nonattainment area. To date a half million dollars has been expended in this planning effort to update the Valley's urban airshed model to conduct a very comprehensive meteorological study. We are continuing to evaluate transportation control measures required for serious areas. We anticipate that the plan will be completed in advance of EPA's December 1998 deadline. Every effort must be made to have the cleanest air possible so that EPA can approve the serious area SIP.

He added that the Board would have before them a question as to the legality of implementing these amendments. However, during the development of the 1995 Air Quality Implementation Plan both the Health District and Comprehensive Planning worked hand in hand with Region IX in developing a commitment measure for a 3.5 oxygenated fuels program. The EPA is the agency that wrote the Clean Air Act. As we have worked so closely with them we do not believe that they would provide us with any direction that would result in any legal jeopardy to the District Board of Health or any other governmental agency. He added that Section 187 of the Clean Air Act which focuses on failure to implement the measures contained in the air quality plan. In summary, to promote the pro active stance in dealing with the air quality problem the Board of County Commissioners is requesting that the Board of Health move forward with adoption of the regulations to help insure several clean winter seasons prior to the submittal of the serious area plan.

Joe Brown, Esquire along with his partner Kevin Stolworthy, representing the Western States Petroleum Association (WSPA) commented that the proposed amendments would require that all gasoline sold in Clark County from October 1 to March 31 of each year contain 3.5% oxygen by weight. Further, the proposed regulations would prohibit the use of methyl tertiary butyl ether (MTBE) and require the use of ethanol to meet these oxygen requirements. These are both significant departures from the current regulations which give gasoline suppliers the flexibility of using MTBE, ethanol or other EPA-approved oxygenates to meet the oxygen standards. Because the federal EPA limits the use of ethers to 2.7 % oxygen fuels, the proposed 3.5% oxygen requirement is an "ethanol mandate".

WSPA recognizes that the Las Vegas Valley was recently redesignated by EPA as a "serious" nonattainment area for carbon monoxide (CO) and understands that County and State need to develop new regulations to control CO emissions. WSPA supports the use of oxygenated gasolines in areas where they are cost-effective for CO control and supports the winter oxygenated gasoline program in Clark County. WSPA supported a 3 to 4 month program instead of the current 6-month program. However, WSPA cannot support the proposed amendments for the following reasons:

- a. WSPA has not seen the agency's results from computer modeling of various CO control strategies.
- b. The County should first improve its vehicle I & M program first.
- c. The amendments will likely not yield real CO reductions.
- d. An ethanol mandate could restrict gasoline supply flexibility
- e. Legal arguments are unresolved

WSPA believes that adoption of an ethanol mandate would be illegal. Further it would not achieve the stated goal of bringing the area into attainment with the national CO ambient air quality standard. Finally, the mandate jeopardizes the gasoline supply for Las Vegas because if ethanol oxygenates should become unavailable, it would be illegal to sell any other gasoline in the area covered

Therefore, WSPA questions whether the Board of Health has the legal authority to adopt a requirement that gasoline sold or dispensed within the specified area must contain 3.5 percent oxygen by weight, and that such gasoline only be blended with ethanol. Legal comments have been provided to Ian Ross, Board Legal Counsel.

Elliot Heidi, General Counsel for WSPA, stated that they supported the use of all feasible measures necessary to achieve clean air and assure lower CO levels in the Valley. WSPA fundamentally objects to a Ethanol mandate for acknowledged self interested reasons as their products are made of the ether based oxygenates. WSPA do not like a mandate that gives a competing industry a monopoly on the oxygenates that are required for use. Adoption of the regulation would have no real air quality benefits. Realistically, all that is being sought now is paper credit for the State Implementation Plan so that transportation conformity with EPA is possible to obtain highway funds and allow the Valley to continue to show progress towards attainment of the CO goal.

Dr. Ravenholt commented that if the Ethanol subsidy disappears three or four years from now the 3.5 oxygenate percentage that is currently provided in the market based on the economics involved may apparently revert to 2.7 % and have an adverse effect on the CO control.

Elliot Heidi, General Counsel for WSPA, explained that they did not feel that this measure is enforceable, Ethanol can be mandated but other measures will get better CO reductions that will

get the Valley towards attainment on a cheaper more cost effective manner. In the absence of some particular health safety risk factor or urgency WSPA does not see why the amendment should be passed through as it was legally defective and probably bad policy.

Chairman Ferraro asked Mr. Heidi if in his opinion if he was prepared to present the other methods that would help reduce the CO emissions in this County from the present benchmark.

Eliot Heidi, representing General Counsel for WSPA, stated that they had made some suggestions in the past, particularly regarding the enhanced inspection maintenance program. One of difficulties is that there have been attempts to put together an urban airshed computer model for this region to find out what the inputs of CO are and what possible alternative measures are available for controlling CO. That modeling has not been completed. In the absence of that modeling it is difficult to know what measures are available and the relative cost effectiveness of those various measures. That is one of the unknowns that is driving concerns about this amendment. WSPA does not know the real effect of a 3.5% mandate, what alternative measures exist or whether those alternative measures are going to be more cost effective than this particular mandate. A more scientific basis is needed for this particular amendment.

Member Smith asked why this modeling was started and why it was not completed and who is conducting it. Clete Kus, of CCCP explained to the Board that the process began in April 1996. There are many components of the planning and modeling process. One is a very intensive meteorological and data collection effort that occurred the last winter season. The project is very costly and therefore it is important that it is accomplished correctly. The project has not been completed because it takes well over a year to complete this work and to do it accurately. The County is paying for the process. We fully realize that additional measures are going to be necessary to reach and maintain attainment. The selection process that has been typically used in the interim control measures has been based on cost effectiveness. One of the measures that will be required is a trip reduction whereby larger employers have to establish programs for their employees to reduce the number of single occupant vehicles traveling to and from the work place. Some of the other measures that are being looked at are increases in the Citizen's Area Transit network. The cost of purchasing and operating the buses is very substantial. We need to have clean air as soon as we can. We need to complete the planning process, and submit the serious area correction plan to the EPA so they can fully approve that plan.

Member Kenny asked when was the estimated completion of the model. Clete Kus, of CCCP, explained that some difficulties exist with the Regional Transportation Commission in terms of obtaining information on the future of the air transportation networks. This is another component that goes into the modeling. Also, County Planning is looking to finalize the analysis of the transportation control measures. They anticipate having some preliminary results of the effectiveness of those measures by mid-October. Completion of the entire modeling process is expected in December 1997.

Michael Naylor added that the model is comprised of mathematical equations that predict air quality based upon traffic, meteorological conditions and terrain. It is hard to put the unique East Charleston stagnation area into a set of mathematical equations. The monitoring data indicates that traffic CO is 10% over the attainment level. Therefore, a 10% reduction is needed. Even an enhanced smog check system will be fortunate to get a 10% reduction. So, if there is not the high level oxygenated gasoline the reduction must come from some other place.

Mr. Heidi, of WSPA, added that comprehensive planning requires that you have a comprehensive knowledge of the air basin, the input and the potential measures that you can institute. In the

absence of that, this type of piece-meal regulation is going to be a very difficult mechanism of achieving CO goals to satisfy EPA. At this point, we do not know whether this particular 3.5% oxygen mandate is legal. WSPA believes that there are some fundamental flaws with the proposed amendments as drafted and has submitted these concerns to the Board's Legal Counsel at this meeting.

Discussion ensued as to whether there ever has been an emergency situation where gas has been cut off from a major city.

Member Kenny illustrated, in reference to WSPA concern as to whether the mandate is legal, that the County had a similar situation with regards to stopping hand billers on the Strip. Attorneys came before the County Commissioners and said that they did not think it was legal and that it should not be done. The County took the position that it was the right thing to do and were willing to test the courts and the laws as it was the better thing for everyone in Clark County. WSPA concerns were understood and appreciated but if it was the right thing for the constituents it should be done. It has been proven at different levels that we are willing to take the test through the court system. Several local and State entities have prevailed on a number of occasions. The issue had been noticed and published for several weeks and industry positions on the amendments have been made clear particularly from constituents. The residents of Clark County are particularly tired of studies, modeling projects and would like to see something done to improve the air quality. She suggested adoption of the amendments and including a caveat that if there should be some public health urgency that would trigger automatic review of the amendments.

Discussion followed by the Board and Staff concerning pipeline delivery of gasoline. The pipeline delivers clear gasoline to the Las Vegas Valley. The Ethanol is added after the gasoline arrives in Las Vegas. The Ethanol is derived from corn and arrives in Las Vegas from the mid-western states by rail car. We have had pipeline problems before. There was an explosion in 1989 and during that time all gasoline to the Las Vegas Valley came in by tank truck from Southern California. If something happen to the pipeline the clear gasoline could still be hauled in by trucks.

Mr. Heidi suggested giving the Board's Legal Counsel a 6-month opportunity to review their concerns with EPA to determine whether or not the proposal is legal. If not, what are some mechanisms that can be installed in this proposal to make it legal to be adopted in the SIP? Right now, Ethanol has a predominate place in the market in Clark County but he urged the Board not to destroy competition by mandating that only one type of oxygenate is allowed. Consumers and public policy will suffer. He suggested that they could live with oxygenated gasoline and can work with the County to find ways to preserve federal highway funds. They cannot live with an Ethanol mandate that makes other oxygenates illegal and bad.

Ian Ross, Board Legal Counsel remarked that WSPA's Legal Counsel has presented major arguments about policy. The legal issues raised in the brief he has just received appear to be fundamental and claim that any type of mandate or regulation in this area would be totally unlawful.

Of course, if true, then the Board would not want to do an unlawful act by passing the regulation. The second issue is that even if it is fundamentally legal the manner in which the proposed regulation is drafted is claimed to be flawed and can be corrected by amendments. He added that he was not in a position at this time to advise the Board on the alleged flaws or how to cure them. He recommended the matter be continued for one month in order for him to review and bring back any proposals to make the regulation less subject to criticism or legal attack. He assured the Board he would consult with the County and EPA. He suggested that the Board continue to take testimony. But, if the public hearing were continued, it would be recognized that there would still be an additional public hearing at the next Board meeting.

Discussion followed by the Board and Staff concerning the difference between MTBE and Ethanol and the possibility of formulating MTBE with a 3.5% oxygenate. Michael Naylor stated that the federal law regulates what additives can be put into gasoline. By federal EPA rules a blender cannot exceed 2.7% of MTBE oxygen by weight and the EPA has never approved an increase in that amount. Apparently, the makers of MTBE petitioned EPA years ago for permission to add their product in gasoline and never asked for anything higher than 2.7 of oxygen by weight.

The Board discussed the possibility of putting language in the regulations allowing anything, as equally as viable, as Ethanol in order not to create a monopoly. The benefit of oxygenate gasoline or other control measures is determined by EPA. Presently, EPA will only recognize that the 2.7% oxygenate level. They will not give the Valley any credit for the fact that we are seeing a higher level of oxygenate used in the market place.

Jack Greco, representing ARCO, Nevada Gasoline Retailers, Nevada Petroleum Marketers, Terrible Herbst, and Rebel Oil, supported the amendments with the exception of the racing fuel. Racing engines are built especially to use this type of fuel and is used year round. We have reviewed the letter from TOSCO and are in support of their proposed amendment to the regulation.

Steven Smith, Senior Engineer for TOSCO, requested that the Board modify the proposed amendments with a provision for specialty high-octane gasolines. This provision would specify that gasoline with an octane rating of 98 or greater would be required during the winter season. Staff supported the proposed changes by TOSCO.

Bernie Farr, consumer, suggested that Staff write to Alaska to see why they are dropping MTBE from their fuel.

Chairman Ferraro closed the public hearing.

Ian Ross, Legal Counsel commented that some of the issues raised in WSPA's brief do not appear valid but, others he was not sure of and would be more comfortable if the Board continued the public hearing. If the Board wanted to go forward with the adoption of the regulation, the monopoly language could be modified.

Discussion continued by the Board and Staff concerning the job that the District and the County are doing to improve air quality and the possibility of continuing the public hearing for 30 days.

*Member Kammack moved to approve the proposed amendments with the suggested amendment for the racing fuel. Motion was seconded by Member Smith.*

Member Kincaid asked that Board Legal Counsel review the amendments for possible suggestions and, if needed, another public hearing would be set immediately to make those amendments. She suggested that a package along with a letter be sent to EPA demonstrating the job that has been done in Clark County in spite of the continued growth. Members Crowley and Colquitt expressed concern on adopting the regulations, if the Board Legal Counsel has not had the opportunity to review and answer the questions of legality.

*Chairman Ferraro called for the vote. The motion was defeated 4 to 6.*

*Member Colquitt moved to continue the public hearing until the next regularly scheduled Board Meeting*

*in September. Member Crowley seconded the motion.*

Member Smith questioned whether WSPA's issues need to be discussed again. The Board has the responsibility to do what is right for Clark County. Member Kenny stated that she would not support the motion for continuance based on what she considered was the right thing for the community. Member Kincaid stressed that everyone on the Board had the same concern for the residents of Clark County.

*Chairman Ferraro called for the vote. The motion carried to continue the public hearing to the next Board meeting by a vote of 7 to 3 with Members Cyphers, Kenny and Smith voting Nay.*

**3. Memorandum #19-97 Public Hearing on Proposed Air Pollution Control Regulations Section 52**

Mike Sword remarked that this proposed regulation is to 'cleanup' regulations pertaining to gasoline dispensing facilities. The proposal was given public notice 60 days ago and 500 copies were mailed out to various industries that would be impacted. We have had four workshops. However, as late as yesterday we received comments from the public. There are five different issues which they would like to continue to discuss to try come to a resolution. Therefore, Staff is requesting that the public comment and workshops period be extended for another month.

Chairman Ferraro opened the public hearing.

Jack Greco, representing the Nevada Retailers Association and ARCO agreed with Staff recommendation to continue the public comment period.

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

*Member Kincaid moved to continue the public hearing to the September Board meeting. Motion was seconded by Member Smith and carried unanimously.*

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

**1. Screening Committee Report for Air Pollution Control Research/Advisory Committee Members**

Committee Chairman Member Crowley remarked that an advertisement was published for applicants for the committee. The Committee Members are reviewing the applications. Of the 13 applications that were received there are two categories that no applicants responded to. She suggested that the Board re-advertise for applicants from the Education and the Resorts/Commercial Establishments communities. The Board directed Staff to proceed with re-advertisement for the above positions.

**2. Petition #46-97 - Amended Budget for Fiscal Year 1997/1998**

David Rowles gave a brief explanation of the written proposed changes to the tentative budget adopted by the Board last spring. Total revenue is projected at an increase of 6 percent over Tentative Budget revenue. This occurs primarily from Board approved increases in regulatory revenues such as APC Dust/Construction and Title V permit fees and Environmental Health fees. Modest increases are anticipated in Medicaid, federal funds distributed by the State.

Expenditures projected for the next fiscal year is a 6.6% increase over that in the tentative budget. The major increase in expenditures is the amount budgeted for salaries which reflect the labor contract, cost of living increase and proposed additional positions in APC, Nursing, Environmental Health and Administration. Increases in service and supplies are also attributable to prior year encumbrances carried into this year.

He added that the revised budget is in line with Board established service and program goals. The Board through policy and direction to staff directs establishes priorities on behalf of residents and tourists. Board decision making will continue to be significant in shaping the emerging public health needs. He asked that the Board approve the revised budget.

*After brief discussion on allocated funds for the APC Research Committee, Member Ravitch moved for approval of Petition #46-97, Amended Budget for Fiscal Year 1997/1998. Motion was seconded by Member Kincaid and carried unanimously.*

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

##### **Administration**

David Rowles remarked that approximately 10,600 health card applicants were processed in the month of July.

The electrical panel upgrade is proceeding on schedule and we are nearing the end stages. Also, we are in the final stages of an East Valley lease negotiation which will enable the District to have a small regional presence in that area. We are finalizing bid specifications for items and systems for the roofing and modeling project.

##### **Air Pollution Control**

Michael Naylor remarked that the Board of Agriculture has adopted permanent changes to the vapor pressure rules for gasoline. This will have a similar benefit as oxygenated fuels does for the air quality. Particulate Matter (PM10) continues to cleaner than 1996. We are almost at the end of our Ozone season and we have not had any exceedances this summer. We have not seen an ozone exceedance since 1990. Phoenix has just been designated from a moderate to a serious for ozone nonattainment area. The Bay area was designated attainment and has been redesignated as nonattainment for ozone.

##### **Clinics & Nursing**

Fran Courtney, RN, stated that the Odessey Boys and Girls Club, at the corner of Martin Luther King and Washington opened in April of this year leaving their former club building, AD Guy Center vacant. They have been in the process of remodeling the Guy Center with a plan to move community services into that building. They have asked that the Health District be a part of that collaborative. The space that they are offering will be an exam room and an interviewing and counseling area. We will be sharing the space with the Housing Authority. They are also hoping to incorporate a dental clinic in the facility as well. At present, they are primarily servicing children 12 to 18 years of age. However, in this facility in the future they are hoping to service families. They are also purchasing vehicles which will be used to bring families for other Boys and Girls Clubs in the community to receive service that will be available. Job training and other opportunities will be available. Beginning in October District Staff will be offering services in the facilities to that neighborhood and anyone throughout Clark County associated with the Boys and Girls Clubs. Health District services offered will include sexually transmitted disease testing, immunization, family planning services, HIV testing and counseling, and well baby conferences.

##### **Environmental Health**

Clare Schmutz reported that on July 27, 1997, Staff received a notice from NDEP approving the District's request for an alternative cover on the last County dumping sites that are closing. We requested an alternative cover because it was going to cost the County approximately \$500,000 to put the cover on the last sites, in Searchlight, Indian Springs, Moapa Valley and Nelson. This procedure is the most cost effective.

Dr. Ravenholt added that through mutual attempts the Nelson dump site has been cleaned up. Clare Schmutz informed the Board that escrow has closed on the sale and merger of Silver State and it is now called Republic and the District has endorsed the continuation of all the terms to the new company. The District is involved with regulatory oversight of the Sunrise Landfill. There is a proposal surfacing to convert that site to a recreational area.

Clare Schmutz added that Staff has met with NDOT and Metro Police to discuss plans to provide restroom facilities for the New Year's Eve function on the Las Vegas strip.

Dr. Kwalick added that he thought the meeting was well attended. All the players do want a part. In the next few weeks Metro and NHP will survey the central turn lanes and other areas on the strip where the portable toilets might be located so as not to damage plant environment and provide easy access to the facilities.

Dr. Ravenholt commented that this will address a number of background issues. If NDOT will allow the portable facilities to be placed on the turn lanes and if the District acts an intermediary and contracts with a portable toilet provider through a request for bid procedure then perhaps the hotels may be willing to contribute to such a fund. Liability is the large background concern for the hotels.

Clare Schmutz remarked that the month of September has been declared as Food Protection Month by President Clinton. Staff has become very active in the program and will be hosting booths located in several grocery stores throughout the County promoting food protection. Next Saturday at 9:30 a.m. the Health Beat TV show will have a session on safe barbequing.

Dr. Kwalick explained Staff was alerted that for the past several years Columbia Sunrise has been totally supporting the poison control activities hotline in conjunction with Rocky Mountain poison center. Sunrise is withdrawing total support by the end of December and looking for others as partners. It's important that the District get involved and develop other support for this program. Other potential agencies to involve in the program are the Medical Society, HMO's and other area hospitals. The cost to Sunrise is estimated at \$200,000 for 1998. They receive approximately 14,000 to 15,000 calls per year, at about \$14 to \$15 a call. This valuable community resource must be maintained.

## **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 heard.

Bernie Farr, citizen, expressed concern because he was turned off when inquiring about an item last month. He initially came to the Board when the District was revising the food regulations. The biggest stumbling block was the gloves. At that time, he represented that as a consumer the gloves would be beneficial. He later approached the Board about a possible restaurant inspection tax and provided backup materials to support the tax and hiring of inspectors. He was informed that he needed to go to the state legislature. He reiterated that the Health District should be the one to initiate this. On several occasions he has attempted to provide information to help support the District's programs. In terms of the proposed \$200 dollar welfare program for individuals to get their vehicles fixed, he suggested using a high speed rear end method and to date had not heard as to whether that was a good or bad idea. Also, states are dropping the alcohol from the gasoline because they found out it is more detrimental to the health of the population than the improved benefit to the air. He suggested writing Alaska to find out. He remarked that he saw no reason in the future to come back before the Board to lend them support.

**VI. INFORMATIONAL ITEMS**

***DULY NOTED***

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 06/04/97
3. Listing of Food Establishments in Plan Review for the Period of 07/01/97 - 07/31/97 Environmental Health Division
4. Air Pollution Control Hearing Board Meeting Annotated Agenda
5. Air Pollution Control Monthly Report (Air Quality, Enforcement Activity and Permitting), July 1997
6. National Association of Counties 1997 Achievement Award for the Child Haven: Healthy Kids Award
7. Letters of Appreciation

**VII. ADJOURNMENT**

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 10:25 A.M.

**SUBMITTED FOR BOARD APPROVAL**

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Otto Ravenholt, MD, Chief Health Officer  
*Executive Secretary*

/mlg