

Amended
MINUTES

Clark County District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday January 22, 1998

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	Mayor, Boulder City
Sherry Colquitt, RN	Appointee, Las Vegas
Erin Kenny	Commissioner, Clark County
Paula Brown	Councilman, North Las Vegas
Kirk Cammack, M.D.	Physician Member At Large
Susan Crowley	Appointee, Henderson
Amanda Cyphers	Councilman, Henderson
Mary Kincaid	Commissioner, Clark County
Stephanie Smith	Councilman, North Las Vegas

Absent:

Gary Reese	Councilman, Las Vegas
Donalene Ravitch, RN	Appointee, Boulder City

Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Donald S. Kwalick, MD, MPH; David Rowles; Mike Naylor; Fran Courtney, RN; Karl Munninger; Clare Schmutz; Mike Sword; Ed Wojcik; Larue Scull; Carol Emery; Jane Shunney Karl Munninger; and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE

<u>NAME</u>	<u>REPRESENTING</u>
George W. Sampson	Las Vegas Cogeneration L.P.
Douglas C. Bean	US MED
Brian L. Jennison	Washoe County District Health
L. Earl Hawley	Nevada Construction Clean Up
Larry Hannon	Nevada Construction Clean Up
Joe Mercado	Nevada Construction Clean Up
Maria Madrid	Nevada Construction Clean Up
James Chavez	Nevada Power Company
Rick Nielsen	Citizen Alert
Tom Gardner	Environmental Technologies
George E. Cromer, Esquire	Mr. and Mrs. Haines
Alisa A. McAfee-Elder	UNLV Health Education Dept.
Cathy A. Patterson	UNLV Hotel Administration Program
Dick Serdoz	Division of Environmental Protection-Las Vegas
Will Cates	Clark County Comprehensive Planning
John Burkstaller	Kennedy Jenks Consultants
Robert W. Hall	Nevada Environmental Coalition
Jessica Hodge	Citizen Alert
Mary Shope-Wiles	Self
Steve Koon	Boulder City
Alberto Abrev	Enova Energy
Robert Groesbeck	Silver State Disposal
Alan Gaddy	Environmental Technologies/SSDS
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Vasant Rajagopalan	Kleinfelder, Inc.
Keith Rogers	Las Vegas Review Journal
Valerie A. Lawson	ARCO Products Company
Helen Foley	Regent International
Mike Justice	Justice & Associates
Keith Jones	Justice & Associates
Debbi Haines	Self
Danny Haines	Self
Ann Zorn	Self
Stanton Jones	Self

OATH OF ADMINISTERED:

Ian Ross, District Legal Counsel, administered the Oath of Office for the calendar year 1998 Chairman, Sherry Colquitt and Vice-Chairman, Amanda Cyphers.

I. CONSENT AGENDA:

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

Member Ferraro moved for approval of the Consent Agenda. Member Crowley seconded the motion and carried unanimously approving the following Consent Agenda:

- 1. Minutes/Board of Health Meeting - December 18, 1997**

2. **Payroll/Overtime for Periods of** - 11/29/97-12/12/97 and 12/13/97-12/26/97
3. **Accounts Payable Register** - #726, 12/05/97-12/18/97; #727, 12/19/97-12/31/97; and #728, 01/02/98-01/14/98
4. **Petition #01-98** - Establishment of a New Public Health Nurse I Position
5. **Petition #02-98** - Recommendations for Appointment of Members to the Family Planning Advisory Council
6. **Petition #03-98** - Request for Approval of Administrative Policies for the Emergency Medical Services Program
7. **Petition #06-98** - New Classification Specification for Health Education and Information Manager - Proposed Salary Schedule 25

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

1. **Memorandum#01-98** - Public Hearing on Air Pollution Control Section 0 (Definitions) and Section 12 (Preconstruction Review for New or Modified Stationary Sources)

Chairman Colquitt opened the public hearing.

Michael Naylor remarked that by adoption of these changes, EPA would begin processing our proposed applicable State Implementation Plan for the New Source Review Program, replacing the obsolete Section 15. The changes requested are primarily of a housekeeping nature. During 1996 the Board approved several amendments to this regulations. However two months, EPA advised staff that an incorrect item had been submitted in the requirements for offsets for new sources included applicability dates which the District could not have applicability dates. Another change would be the deletion of reference to a definition of Administrative Modification which had been removed from Section 9 in a previous revision. Also, clarify the requirements under "Various Location Permit", by adding a definition. Staff is in receipt of a letter dated January 21, 1998 from EPA indicating that the most recent proposed changes in the APC regulations will adequately address EPA's remaining concerns. Also, if the changes are adopted and submitted as clearly written, EPA plans to take final approval action on them as soon as possible. This will help to complete a 2 year process of getting our new source review regulations into the SIP.

Chairman Colquitt opened the public hearing and asked if any member from the public wished to make a comment. There being no response, Chairman Colquitt closed the public hearing.

Member Cyphers moved for approval of Memorandum #01-98. Motion was seconded by Member Smith and carried unanimously.

Dr. Ravenholt read into the record a letter he had received from Region IX, EPA, commending the Health District for meeting all requirements of the FY '97 Section 105 Air Program grant work plan as well as the other responsibilities of the Clark County Health District (see attached). He thanked Michael Naylor, as Director and Mike Sword, Assistant Director of the Air Pollution Control Division for their efforts.

2. **Variance Request** - To Reconstruct/Replace an Existing Individual Sewage Disposal System on a Lot that is Within 400 Feet of a Public Sewer line. **Petitioner:** Kenneth Braker, President, Vietnam Veterans of America (VVA)

Chairman Colquitt opened the public hearing.

Clare Schmutz explained that Mr. Kenneth Braker, President, on behalf of Vietnam Veterans of American, Chapter 17 (VVA), is requesting a Variance to reconstruct/replace an individual sewage disposal system (ISDS) on a lot that is within four hundred feet (400") of a City of Las Vegas public sewer line. The lot, served by an offsite public water system, is 20,700 square feet in size and is located at 6424 W. Cheyenne Avenue. Legal Description: SE 1/4 SW 1/4, Sec. 11, T20S, R62E, Clark County, Nevada.

The existing ISDS was constructed and approved for an individual residence in February 1974. The property is located in Clark County, and the City of Las Vegas public sewer line is located in Clark County, and the City of Las Vegas public sewer line is located in Cheyenne Avenue fronting the property in question. The reconstruction/replacement is necessary because in 1995, the VVA had the existing system replaced without a permit to construct. The reconstruction does not meet District code.

The State of Nevada Department of Transportation (NDOT) will not allow trenching within the pavement of Cheyenne Avenue. To connect to the public sewer line, the property owner would have to bore under Cheyenne Avenue to make connection at a cost of approximately \$60,000.00, which the VVA feels is totally cost prohibitive.

The City of Las Vegas has no objection to the approval of this Variance by the District Board of Health with the understanding that as soon as trenching is allowed in Cheyenne Avenue, the property will be connected to public sewer.

Staff does not foresee a public health problem to the environment by granting this Variance since the property has been served by an ISDS since February 1974 and recommends approval with the following conditions:

1. That the reconstruction/replacement of the existing system comply with all other requirements of the District Board of Health regulations governing Individual Sewage Disposal Systems and Liquid Waste Management.
2. No paving or vehicular traffic will occur over the septic system.
3. The Vietnam Veterans of America, Chapter 17, will provide the District with a letter from NDOT on an annual basis regarding the status of the no trenching policy of Cheyenne Avenue.
4. Construction of the ISDS must be commenced within one (1) year of 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.
5. 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.

Member Cyphers asked Mr. Braker if he agreed to the conditions outlined by Staff. Mr. Braker stated "Yes, we do."

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

Members Smith moved for approval of the Variance Request with the conditions recommended by Staff and based on the following: Finding that there are circumstances or conditions which are unique to the

applicant 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 right of the applicant; granting the Variance is necessary to render substantial justice to the applicant and enable them to preserve and enjoy their property and will not be detrimental or pose and danger to public health and safety. Motion was seconded by Member Crowley and carried unanimously.

3. Variance Request - To Construct an Individual Sewage Disposal System on an Undersized Lot Served by an Onsite Water Supply. **Petitioner: George E. Cromer, Esquire, for Danny & Debbi Haines**

Chairman Colquitt opened the public hearing.

Clare Schmutz remarked that George E. Cromer, Esquire, on behalf of Danny and Debbi Haines, owners, is requesting a Variance to install an individual sewage disposal system (ISDS) on an undersized lot served by an onsite water supply. The lot is 27, 443 square feet in size and is located on Hinson Street approximately 170 feet south of Pebble Road. Legal description: N ½ NE 1/4, Sec. 19, T22S, R61E, Clark County, Nevada.

This Variance request is in violation of Section X.10 (a) of the District Board of Health Regulations Governing Individual Sewage Disposal Systems & Liquid Waste Management which requires a minimum area of one (1) acre (43,560 square feet) for the installation of an ISDS where the water supply is from a private water well serving only that property.

The Board of Health granted a Variance to this property on December 16, 1993. The property owner at that time was Mr. Wesley L. Hall. The applicant (Mr. Danny Haines) purchased the property in March 1994 and pulled a permit to construct an ISDS on November 16, 1994, which expired on November 16, 1995,

The applicant (Mr. Haines) purchased the property with the intention of building a single family dwelling, however, he indicated the he has been unable to secure financing to construct the residence. He is now seeking to sell the property. If a new Variance is not granted, a new property owner could not develop the property unless he connected to a public sewer line which is approximately a mile away.

Staff does not foresee a public health problem to the environment by granting this Variance nor did they foresee a public health problem when the original Variance was granted in December 1993. If the Variance is approved, staff recommended the following conditions:

1. That it be made a part of the final escrow closing that the buyer of the property will comply with all of the conditions of this Variance.
2. The septic system be installed to comply with all other requirements of the District Board of Health Regulations Governing Individual Sewage Disposal systems & Liquid Waste Management.
3. No paving or vehicular traffic will occur over the septic system.
4. Construction of the ISDS must be commenced within one (1) year of 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.
5. 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.

George Cromer, Esquire, commented that this piece of property is basically secluded from all attachments to sewer systems. Mr. & Mrs. Haines have tried to secure financing to build their home on the property and it is a financial drain on them. Without this Variance there would be no useful purpose for this property.

Clare Schmutz remarked that the closes sewer and water system is approximately 3 miles away from the property.

Member Cyphers asked if with recent development of the Mayfield area with water, sewer, septic and leaching problems and with this being a smaller lot, could there be similar problems in the future in this area.

Clare Schmutz stated that he did not think so because the area is not that heavily developed and not as many systems are there as in the Mayfield area.

Discussion continued between Mr. Cromer and the Board concerning the make up the area. The area is residential in a rural type setting. Staff will have to watch this area closely to ensure that a situation similar to Mayfield does not occur. Mr. Cromer explained that one of the conditions of the Variance is that once the sewer lines become available, connection has to be established.

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

Ian Ross, Board Legal Counsel, asked Mr. Haines if he accepted the conditions stipulated by Staff. Mr. Haines stated, "Yes, we do."

Member Kincaid moved for approval of the Variance with the stipulations outlined by Staff based on the following: Finding that there are circumstances or conditions which are unique to the applicant 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 right of the applicant; granting the Variance is necessary to render substantial justice to the applicant and enable them to preserve and enjoy their property and will not be detrimental or pose and danger to public health and safety. Motion was seconded by Member Smith and carried unanimously

III. REPORT/DISCUSSION/POSSIBLE ACTION

1. Petition #04-98 - New Classification Specification for Air Pollution Control Compliance Supervisor- Proposed Salary Schedule 25

David Rowles explained that over the last 12 to 16 months, the District has taken aggressive efforts to increase Air Pollution Control Division (APCD) enforcement and regulatory Staff. Staff is asking that the Board approve a new classification specification for Air Pollution Control Compliance Supervisor in the APCD.

Permit applications are processed which ultimately result in the issuing of permits which have conditions for compliance, off-sets, testing, monitoring and reporting. Since February 1997, we have been quantifying and analyzing the amount of work effort and staff resources needed to strengthen follow-up on permit compliance conditions. This has been performed by the Assistant Division Director as part of his current duties and responsibilities. To improve the effectiveness of our compliance oversight, a full time position is needed. This position will address the issues of offset compliance.

Adequate funds are available in the current revised budget to accommodate the above proposed

action.

Member Kincaid moved for approval of Petition #04-98. Motion was seconded by Member Brown and carried unanimously.

2. Presentation by Will Cates of Clark County Comprehensive Planning on Recommendations from Clean Air Task Force and Discussion of Clark County Commission's Resolution for Controlling Dust Emissions from Vacant Disturbed Land

Will Cates, representing County Comprehensive Planning, noted that the Clean Air Task Force II was formed by Commissioner Erin Kenny approximately 18 months ago and met on a monthly basis for approximately one year. On November 6, 1997, the Clean Air Task Force II group reached a consensus on a set of recommendations which was presented to the Clark County Commissioners on December 2, 1997. In addition to receiving the report, Commissioners Kenny and Woodbury requested that the Board of County Commissioners take action on the following:

- 1) Authorize the chair to sign a resolution relating to disturbed vacant land;
- 2) Direct Clark County Staff to prepare plans and cost estimates for stabilizing County owned vacant land; and
- 3) Accept a schedule for returning to the Board with specific recommendations for consideration and possible action.

The Board of County Commissioners, by a unanimous vote, approved the three action items listed above. The resolution basically addresses disturbed vacant land. It requests that the District Board of Health develop draft amendments to the District's air Pollution Control Regulations and schedule public hearings to specifically address control measure/strategies to mitigate particulate matter emissions from disturbed vacant land (including unpaved parking/staging areas and unpaved roads). Also, rather than mandates, amendments to the regulations should provide for an alternative program (e.g., Emission Reduction Credits) to provide market incentives to encourage emission reduction actions (e.g., paving unpaved roads, stabilizing disturbed vacant areas).

In addition, the Board of County Commissioners, directed County Comprehensive Planning Staff to proceed with a program to address County undisturbed vacant land that may be presenting a problem. The County Staff has entered into a contract with Kleinfelder and Associates for this project. Comprehensive Planning anticipates submitting a report to the Board of County Commissioners in March 1998, with specific recommendations for cost estimates for stabilizing County owned disturbed vacant land.

He distributed a revised schedule to address recommendations from the Clean Air Task Force to the Board of County Commissioners.

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| 1) Unpaved Roads and Construction Activities | 1 st Meeting in February |
| 2) Air Pollution Control Enforcement Activities
and Aggregate Processing Facilities | 2 nd Meeting in February |
| 3) Disturbed Vacant Land | 1 st Meeting in March |
| 4) Visible Urban Haze | 2 nd Meeting in March |

Member Kincaid remarked that recommendations approved by the Board of County Commissioners, stipulate that under [Item V. Motor Vehicles, 1(e) is contingent upon Item V. Motor Vehicles, 2.] The Board of County Commissioners did not want Item 1(e) to go into effect unless there was some type of financial assistance available for those low-income-working people who perhaps could not afford to put \$1,000 into a vehicle. Many of the working poor do not have extra money and it was not the County Commissioners' intention penalize them unnecessarily. The Commissioners determined that until such time as there was a financial program in place (e.g., revolving loan fund, grant assistance). The present pilot program that the Health District has is only

for 1 year.

Mr. Cates added with respect to that issue, on January 6, 1998, the Board of County Commissioners, adopted a resolution relating to proposed improvements to the State Environmental Commission.

Michael Naylor commented that since the Board of County Commissioners is recommending that the Board of Health direct APC Staff to prepare regulations to mitigate particulate matter emissions from disturbed vacant land (including unpaved parking/staging areas and unpaved roads), District Staff is asking for guidance on how to follow-up on these recommendations.

Member Kenny remarked that the Home Builders Association worked with the Clean Air Task Force in recommending this innovative program. The Clean Air Task Force II was hoping that the Board would direct staff to begin preparing regulations in order to methodically enact this program.

Member Ferraro remarked since this issue will involve the entire county, he moved to direct Staff to proceed with the recommendations. Motion was seconded by Members Smith and Brown and carried unanimously.

Will Cates, stated that regarding the incentive program on disturbed vacant land, Clark County at the last legislative session sent a bill draft request to amend State regulations to allow penalty fees that are collected by the Health District to remain in Clark County for the air quality planning and regulatory programs. Clark County will be resubmitting that bill during the next legislative session, hopefully it will be acted upon at that time.

Discussion ensued by the Board Members concerning whether Clark County Staff had discussed the bill draft with the Clark County School District. The School District had no problem with the bill proposal as they are experiencing increased school nurse visits by students with asthma and other respiratory problems. Also, before this item is voted upon by the Board, a public hearing will be held to allow for public comment.

Ian Ross, Board Legal Counsel, explained that the Board should be aware that there are some legal issues as to what incentives can and cannot be done. He would be having discussion with the Home Builders Association Legal Counsel to discuss what they have in mind. Procedurally, District Staff will be processing recommendations and Legal Counsel will be giving opinions on the legality of those recommendations. Then Staff will come back to the Board with a request to set a public hearing. At that point, it will be open to the public comment as to whether or not a public hearing should be set. Ultimately, if the Board of Health chooses to set a public hearing, the public will have another opportunity to speak before any regulation changes are made.

3. Presentation from Brian Jennison on the Washoe County Health Department Concept of Wood Burning on Designated Evenings

Dr. Ravenholt noted the request of Members Cyphers and Crowley last month to learn more of the wood burning control program in Reno. Staff arranged for a summary presentation of their program.

Brian Jennison, Director of Air Quality for the Washoe County District Health Department, discussed the 10 year program on wood burning control that has been in place in the Reno/Sparks, Nevada area. The program has been very successful for the control of carbon monoxide and particulate matter in the Reno/Sparks area. The trends in the Washoe County area for carbon monoxide, ozone and particulate indicate a problem very similar to what Clark County is experiencing. Though Washoe County has not had any federal exceedances of CO it has remained just below the federal standard. The automobile is their largest source of CO.

During winter months there is a lot of wood burning which by itself is not a huge source, but, it is critical to remember that wood burning occurs during cold stable nights between the evening and morning. The levels stay high as people drive home in the evenings and then many light their wood burning stoves. In the Reno/Sparks area when this occurs the CO levels increase and they could have an exceedance. In view of this CO problem, the Washoe County District Board of Health (WCDBH) recognized the need 10 years ago to address this problem and developed the "Red, Yellow, Green" program. Green meaning wood burning is allowed, on Yellow days - slow down on the amount of wood burning or stop burning altogether, and Red means Stop all residential and commercial burning immediately.

The program is more of a public relations and education campaign than it is an enforcement or compliance campaign. Washoe County has really good support from the local media. Everyday during winter, the Reno Gazette Journal and Sparks Review newspapers place the wood burning alert code levels on the front page. All the local television stations give the wood burning code during their local weather reports. There is also a wood burning hotline available for people to call for the pollution standard index update. He reviewed the number of times a "Red" warning had to be announced. If a "Red" warning has to be called, 10 teams of 2 persons are set up, one driving and one with a powerful spotlight looking for smoke coming out of chimneys. If smoke is seen, we stop and explain to the residents the regulations and give them a stern written warning. People are not cited for wood burning. Also, we allow a 3 hour let-it-go-out period. The WCDBH view this program as a public information and education program with voluntary compliance. Initially there was some resistance to the program, but in a recent survey there was over 90% recognition in the community and 80% compliance of the program.

Discussion ensued by the Board Members and Mr. Jennison concerning the wood burning program. The teams are Staff members who are paid overtime for this service. The program has been very effective in the Reno/Sparks area. Approximately 2 citations were issued in the initial stages of the program, but over the last 6 years there have been no citations issued. Press coverage in the Reno/Sparks area is at no charge. Also, some advertising funds are used to buy spots from the 105 grant from the Environmental Protection Agency. The radio stations match what is bought by 50 percent. For example if WCDBH buys one the radio station gives a total of two. In order to get the message out in prime time some slots have to be bought. The program is advertised for the four winter months, October through January. However, the press coverage in the newspapers and on television weather reports is at no charge. Approximately \$30,000 a year is spent on advertising for this program.

A separate part of the WCDBH regulations do not allow any new fire places or high emitting solid fuel burning devices in new construction. The weather in the Reno/Sparks area encourages a lot more use of fireplaces than the Las Vegas area. Therefore, Las Vegas does not have the amount of wood burning per household compared to Reno. A copy of the WCDBH wood burning ordinance will be provided the Clark County Health District Staff. Wood burning on an annual basis is approximately 10% of the CO problem but on a cold winter night it could be as much as 25%. (In Las Vegas CO is approximately 2% and PM10 on a stagnant day is 5 to 8%.)

On behalf of the Board, Member Cyphers thanked Mr. Jennison for the presentation. A voluntary program such as this would be very beneficial for the Las Vegas area. The Board directed Staff to bring an action agenda item on wood burning to the Board. Also, by working with the newspaper and bill inserts by, Nevada Power Company and/or the Las Vegas Valley Water District, the community can be informed and educated about a wood burning program.

4. Overview of Offset Program for Reducing Dust from Unpaved Roads in the Las Vegas Valley

Michael Naylor, briefly highlighted that since 1992, the PM 10 emission reductions program has

generated funds from permitted sources resulting in the paving of approximately 33 miles of publicly maintained previously dusty, gravel roads. Over 100 roads or segments, with lengths varying from 1/8 mile to two miles, have been paved. We have eliminated several thousand tons of particulate matter per year. However, we fell behind in assessing the credit obligations and getting the offset bills to all our permittees. Staff has redoubled efforts on that program in the last month and presently 90% of the assessment has been sent out.

Dr Ravenholt referenced a comment in a newspaper article that the District had not begun emission reduction credit (ERC) assessment of 1997 emissions, with clarification that this is not scheduled to begin until March 1998. However, reference to the District needing to complete some earlier notifications was accurate. He noted that the Board adopted a very low threshold for application of offsets. Generally, there is a threshold that starts at 5 to 15 tons a year of emissions and it applies if a permittee is above that level. The Board in late 1993 adopted emission reduction credit requirements for new modified sources down to 1 ton per year (which then it must be offset from 0). This prospectively included many small businesses not generally considered targets for offset assessments in other air quality control regions. The complexity of applying this was not fully recognized or identified when the process was instituted. We are picking up any missed ERC assessments resulting from the 1993 amendments.

Member Cyphers, remarked in reference to the recent newspaper articles regarding 1997 emissions, if Staff was going to process the assessment in March, 1998 then the District is not behind on that. However, she asked for clarification on the comments in the paper (attributed to employees) stating the District did not have the right computer, were lacking Staff. Is this just more of a tabloid issue.

Dr. Ravenholt responded that it may be difficult to reach a consensus. The reporter who wrote the article spent several weeks in the District with access to anything and anyone he wanted to speak to. More commonly, a public information officer is the contact point for information. The Health District has operated as an open records agency on everything from restaurant findings to permits and has tried to be an accommodating public agency. He had expressed his responsibility for the slowness in finishing up ERC assessments for 1996. There was a need for more increase in Staff, in the past two years. The District moved this year to add a significant number of APCD Staff members.

Generally, we have operated this agency without trying to build an empire. We have applied skills of individuals to broad rather than narrow tasks. How fast we should grow to meet various problems is a judgment call. South Coast Air Quality District, in Los Angeles had a growth industry mentality that built a seven story building with 1300 employees for the air pollution control operation. Now, they have downsized to approximately 900 staff and are apparently vacating the building. The Health District has tried to operate in a more conservative pattern but we behind the number of employees we have in the APCD. This will be further addressed in the new budget for next fiscal year.

David Rowles added that there is not a problem with the computer system. Some of the comments in the paper such as the lack of a computer were self serving and not accurate. Administrative Staff started bringing the air pollution control billing under administrative responsibility, in September 1996. We perceived at that time a need for a better handle on the financial assessment of permit fees. These are different from ERC offset assessment. In the newspaper comments, offset assessments have been equated to financial tracking which are entirely different systems. To equate them as one confuses the issue. Permit fee billing is conducted annually. There is a separate assessment on a 2:1 ratio for offset credits which may be traded, bargained or bartered. When those are not available, the permittee may buy an offset equivalency. The District has complete accountability for all permit fees and with dollars that have been paid to acquire offsets. The auditors have reviewed those accounts.

Since September 1996 we have worked with the APC Staff to bring all the details into a single database, which is now near completion. It includes various aspects of a permit fee. The fees are trackable, accountable, auditable and have been for years. The billings for APCD have been managed under central administration for approximately a year and half. Some work remains on the ERC offset account procedures.

Chairman Colquitt remarked that the Board appreciated efforts of Staff to provide information to the media and public. She suggested that APCD Staff take a look at the threshold levels from a cost/benefit stand point and bring back a report to the Board (i.e., is the program too burdensome from what we are getting out of these low threshold levels. Also, comparison to other air quality regions.).

Michael Naylor, remarked in reference to the overview of the offset program that categories of PM10 emissions are increasing valley-wide with the exception of unpaved roads. We are reducing the inventory of unpaved roads.

Discussion ensued by members of the Board and Staff concerning the recommendations because of running out of enough roads to pave. Alternatives to generate credit are being researched and need to be developed. Staff is working with County Comprehensive Planning and will bring some recommendations back to the Board in the near future.

Consideration needs to include the cost benefit of initiating a program for residential wood burning which is only 4/10th percent of total PM10 emissions.

The Board directed Staff to follow-up on the recommendations outlined in the overview. It was suggested that the Board Members and their individual government entities should consider not approving waivers on paving when presented to their respective Boards. It was also suggested that Staff look into suggestions from the public about dealing with the wood burning, PM10 and CO problems. For example, Henderson is changing their ordinance regarding rock crushers and power screens, related to construction. These will not be allowed within a half mile distance of any existing residential area. Members, as elected officials, are concerned about the health of individuals. Other issues that may help reduce PM10 are: placing a distance on the use of off-road racing vehicles, possibly reducing the speed limit on unpaved roads to 15 instead of 25 miles per hour, developing a revolving fund for residents/individuals wanting to purchase PM10 credits, and stronger enforcement of regulations on violators of good construction practices. Other innovations such as, Clark County which has a 50/50 voluntary road paving program in the rural areas whereby if over half of the residents on an unpaved road want it paved credit is extended to homeowners who cannot afford it.

5. Recommendation from PM₁₀/PM_{2.5} Research Advisory Committee (Stanton Jones) on Proposal to Measure Effectiveness of Two Methods to Minimize Trackout From Construction Sites Onto Paved Streets

Stanton Jones, PM₁₀/PM_{2.5} Research Advisory Committee Chairman, reviewed that the Committee was formed by the Board of Health in October 1997. The first three months the Committee was primarily spent informing the committee members on what some of the problems were. Persons from Comprehensive Planning, private industry and concerned citizens have talked with the Committee concerning the PM₁₀ in the valley. The Committee members visited various air quality monitoring site locations throughout the valley to understand how and what is being measured as well as to be able to recognize some of the problem areas in the valley. A mission statement was developed by the Committee and a list was made of possible research areas for consideration. The majority of the problem areas in the valley are related to the construction activities. An analysis of effectiveness of different dry methods for controlling track-out from construction sites onto major

roads emerges as one area for analysis.

Track-out pertains to the dirt that remains on tires on vehicles leaving construction sites. When construction vehicles drive onto the hard surface roads this dirt remains and other vehicles driving over it send the dust back into the air. This continues until the road is cleaned up or dirt is dissipated into the adjoining areas or rain relocates it. The Committee was looking at alternative methods of alleviating the track out while occurring rather than using a water truck for clean up afterwards. The Committee proposes to stop the track out before it gets on the road.

Various methods are available to prevent track out such as putting down gravel pads to get the dirt off before leaving the construction site or the shaker system, where the tires are shaken and cleaned off mechanically before going onto the road.

A cost proposal has been received from Kleinfelder to utilize a particular construction site that would help the Committee to analyze and determine which is the best method to help alleviate the track out problem. This will be the first research project for the Committee and will not exceed \$32,725. If a municipal project can be found, we will exercise some considerable savings. For comparison purposes, the study cycle will include 3 separate tests to measure dust on the road prior to any construction activity, then the gravel method of dirt removal will be used, dirt tests will be run on 3 different areas on the road, the method will be changed to the shaker system and then the same tests run again. This will allow the Committee to document the detailed information for submittal of recommendations to the Board and the County. The Committee expects to have results within approximately 60 days provided funding is obtained and a project is found. The actual testing should take approximately 2 to 3 weeks. The Committee wanted to get the project underway because we are coming upon the spring time of the year when we have the increased winds. If approved, we hope within 2 or 3 months to come back to the Board with the results of the study.

Ian Ross, Board Legal Counsel, commented that this would be received as a Committee report and recommendation. He noted the comprehensiveness of the proposal presented by Kleinfelder but that the Board would need to instruct Staff to prepare appropriate contracts to bring back to the Board for approval as the contract would include items that the proposal does not include.

Discussion ensued by the Board Members, Mr. Jones and Staff concerning the possibility of this duplicating what is already known about problems with track out. Should funds be used for measurements or to fix the problem. The research will help to determine what method is best for fixing the problem. This information can be passed on to the people in field to use as a deterrent. The District has been requiring gravel beds at the points of entrance and exit on construction sites for approximately a year. This has helped control track out. The mechanical shaker device will cost companies several thousand dollars to buy but they can be reused for years. The hypothesis is that the shakers will do a better job. Some of the shakers have been used for the last 3 months but a comparison with actual loadings on the street will show if it is an improvement over the gravel pit. If Staff can document this, it will provide the technical foundation for mandating the use of such shaker system as a track out device for future use. The possibility of reinventing the wheel was discussed. What solutions and data are available throughout the country? The Committee is also reviewing alternate methods to control dust besides water.

Member Ferraro moved to accept the report and direct staff to come back with a contract to proceed with this evaluation process. Motion was seconded by Member Crowley and carried with Member Kenny voting Nay.

Member Kenny emphasized that it was unnecessary to take \$32,000 to spend on this project when other jurisdictions such as Phoenix and California have documented similar problems and come up with solutions. She felt the money would be better spent on another air quality project.

6. Status of Lawsuit Against Board Regulations for Oxygenated Gasoline

Ian Ross, Board Legal Counsel, commented on the Western States Petroleum Association instituted a lawsuit challenging the 3.5% oxygenate program. The County has authorized funds to hire an outside law firm to assist in the case. Beveridge and Diamond is a large law firm outside of San Francisco that specializes in environmental law. They have done some environmental law work locally. Essentially, the private firm will work in conjunction with Board Legal Counsel and the County District Attorney's office. The answer is due shortly and there will be a discovery phase. Legal Counsel is recommending that since the suit will start processing in a routine manner this item could be made under Administration Staff reports in the future. However, if there is something important that requires the Board's attention or vote then it will be placed as an item on the agenda.

7. Presentation from Justice and Associates on Emission Offset Programs Elsewhere in the Southwest

Mike Justice, representing Justice and Associates, commented that recently they were asked to look at offset programs in other air quality control districts and how some of the trading for emission credits took place. The company provides consulting services and has a division that helps companies to buy offset emission credits.

In reference to offset thresholds, Clark County Health District has only 1 ton for PM10 compared to 4 tons at the South Coast Air Quality Management District in Los Angeles. Most of the other air districts have much larger offset thresholds. This means that non major facilities, if they are going to offset emissions, will not offset emissions under that threshold. There are a couple of air districts, Reno and Phoenix, which have no offset programs at all. Phoenix is now being reviewed by EPA so this may change in the future.

There has been a lot of publicity about offsets and trading credits coming out of California. Compared to the Clark County Health District, which has listed 4,000 tons as required to be offset, the air districts in California have been as low as none up to 297 tons in the Bay area. The cost value of offsets in Las Vegas is approximately 1.2 to 1.5 million dollars.

In reference to offset trading in California, there are only a few trades taking place. In the Bay Area, although it may have the most tons traded it only had 4 transactions. This means only 4 companies got involved in trades. In the Los Angeles area, there were 47 and in Las Vegas area, there were literally dozens.

Also, there has been a lot of publicity about the South Coast Regional Clean Air Incentive Market or RECLAIM program. Essentially, the program takes a look at the facility and places a 'sinking cap' of emissions allowed by the air district for that facility which each year gets smaller. This is a 17 year experimental program and out of about 30,000 permits in Los Angeles, 400 companies are involved in it. The air district took a look at their grandfathered emissions or what emissions had been historically permitted and let that be a baseline for the respective companies. Thereafter the company is required to reduce their emissions by about 6% to 8%. The price of those credits in the last 2 or 3 years had been going for less than a penny a pound. Current credits are going for \$1.00 a pound and it has been suggested to go up to \$10.00 a pound.

The pricing program is similar to what the Clark County Health District is doing. The emission in this program in Los Angeles varies from a few hundred dollars up to thousands dollars per ton. In Clark County the Health District requires all fugitive emissions to be offset but in Los Angeles this is ignored. In summary, their firm perceived from all the activity, that the most expensive area to provide offsets is here in Clark County. The Board of Health requires more companies to offset emissions than found anywhere else.

8. Memorandum #02-98 - Concepts for Regulations Allowing Emission Reduction Credits for Payments for vehicle Repair and Payments to Urban Forestry Programs Possible Appointment of Ad Hoc Committee

Chairman Colquitt appointed the following Board Members to the Ad Hoc Committee in order that all entities of the community be represented at the Committee level:

Member Ferraro, Committee Chairman
Member Reese
Member Kincaid
Member Smith
Member Crowley

Michael Naylor briefly explained that this is a follow-up to the road paving program for offsets which has only a finite supply of credits. It does not address the gaseous emissions. Boulder City has a situation where the proposed power plant is seeking offsets. They are trying to find a way to provide as much offsetting in Boulder City as possible. One concept is an urban forestry program to address reducing gaseous emissions and then providing additional offset benefit to Boulder City.

Staff does not feel that any other air district has regulations addressing this and it will take some time to think out all the issues. At this point the suggestions in Memorandum #02-98 are concepts. It will take some time to develop regulatory language to bring before the Board.

Chairman Colquitt requested that the Ad Hoc Committee report back to the full Board at the February meeting.

9. Policy Relating to the Approval of Recycling centers and Transfer Stations

Dr. Ravenholt noted that the Board dealt with landfill permitting policy at the June 1997 Board of Health meeting. The Board policy, as the Solid Waste Management Authority, did not actually address the issue of recycling centers or transfer stations. Since the regulations now allow for both, does the Board wish for Staff to handle such applications administratively or wish staff to present applications for Board consideration for approval/denial or recommendation.

Member Ferraro felt that these applications should be developed at the Staff level and brought to the Board approval.

Discussion followed by the Board Members, Legal Counsel and Staff as to how these applications will be placed on the agenda for Board action. The Board directed Staff to place applications relating to transfer stations or recycling centers on the Report/Discussion/Possible Action section of the agenda.

10. Ryan White Title I - HIV/AIDS Eligibility and Funding

Rick Reich, District AIDS Coordinator, commented that the number of reported AIDS cases has increased this year. However, there was an intent to make the cases increase in number. We were approaching a deadline for reaching reach 2,000 cases within a 5 year span. By registering and reporting 2,000 cases through the State and subsequently by identifier to the U. S. Centers for Disease Control, Las Vegas would be eligible in a group of 51 cities to receive Ryan White Title I funds. Basically, in terms of "Care" dollars, 2 million additional dollars will come direct to the community. The distribution and allocation of the funds will be guided by a community Board required to be established by the Health Resources and Services Administration (HRSA). They have strict guidelines as to how the Board is put together. The Board makes recommendations to the Grantee and then the Grantee distributes the money to the eligible agencies and service providers to fulfill the needs of the community.

Current Care dollars for community AIDS organizations, the Health District and University Medical Center (UMC), total \$450k, \$350k, \$650k respectively. The 2 million dollars will be an additional infusion directly into the community. The 447 cases of AIDS we reported were not necessarily newly diagnosed cases but were newly reported cases.

He thanked Staff Members, Debra Martin, Susan Keys for their diligent work and Dr. Ravenholt and Fran Courtney, RN for their support of the program.

Dr. Ravenholt commended Rick Reich, his AIDS/HIV Office Staff and Fran Courtney, Division Director and Mary Ellen Harrell, Supervisor for their participation in achieving this benchmark. The rate of new AIDS cases reported in Clark County is running about 350 a year. Demonstrating 2,000 cases was critical in terms of the District receiving these extra dollars annually. A key factor was that Staff persuaded doctors in the community who treat these particular patients, to let Staff go through the office records to discover any unreported cases. From that effort over 100 new cases were uncovered that had not gotten through the usual report process.

Discussion followed by the Board and Staff concerning that nearly all of the AIDS/HIV patients receive illness care through UMC. The same physicians providing public services at UMC provide service for private patient care. Some of the patients have insurance but traditionally, they spend down to the point where they lose their job and insurance. Parts of the Ryan White Care Act has been trying to solve that problem. There is another program under Ryan White for continuation of insurance through COBRA payments. University Medical Center (UMC) sees patients whether they have insurance or are indigent with the same doctors providing service.

Dr. Ravenholt noted that UMC under the County Commission trusteeship has provided a seamless service for AIDS treatment in Las Vegas. From the start, UMC assured availability of care whether the person was able to pay or not. There are inpatient and outpatient units for various stages of the illness. The Health District does most of the testing for HIV infection in the community. We also "stage" the infection and do case management in close coordination with UMC and the patient doctors.

IV. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick stated that he had appeared before the Board of County Commissioners concerning the Poison Control Hotline. He reported on the amounts of money received from the following: Board of County Commissioners, \$2,550; Fire Chiefs, \$5,000 match throughout the County; AMR, \$5,000; Sierra Health \$2,500; Sunrise Hospital submitted \$25,000 for phone lines; \$10,000 potentially coming from another agency. We now have approximately \$40,000 committed at this point in time.

Administration

David Rowles remarked that financially we are spending within our appropriated funds and covering a lot of programs.

Air Pollution Control

Michael Naylor briefly commented on the District Alternative Fuel Pilot Program. Starting February 1st, for 6 months, with the Clark County School District using California Reformulated gasoline. Approximately 30 Health District vehicles will be participating with about 700 School District vehicles. We will use the California reformulated gasoline in our local vehicles to get some local experience using the fuel. It has been required in California statewide for almost 2 years. Recommendations from the Board of Health have been sent to the County Commissioners to consider updating the air quality plan to include reformulated gasoline as an ozone abatement measure in light of the new ozone standards that EPA promulgated. Reformulated gasoline would reduce vehicle emissions by about 3% that in turn

would reduce ozone precursors by about 15 to 20%. Also, this will help the School District and Health District comply with State alternative fuel rules which require that new vehicles purchased by government agencies must operate on an approved alternative fuel.

Clinics & Nursing

Dr. Ravenholt commented that the community has been through a month or more of influenza like illness. Some may have been caused by a new influenza strain. He handed out an article on the influenza virus. The vaccine available this year did not include the Australian/Sydney strain. It was not available until it emerged in the summer. It will be considered for next year's vaccine. Over 20,000 flu immunizations were administered by the District. All of the hospitals have been on divert at various times during early January. The hospitals as a whole delivered care that substantially matched the needs of the community. But many critical care units were on divert asking that no patients be brought for various intervals because there was a 3 to 4 hour waiting time in their facility. Emergency Room and all acute beds were full. The question of how many beds will be needed in the community next season will be something hospitals will be addressing. We have not had a heavier season than in the last 10 years.

Fran Courtney, RN, briefly discussed the Baby Find program which is a mentoring program for women in the community where volunteers work with young mothers in the first year of the baby's life. The Baby Find Program has been approved for a grant from the Family Advocate and Community Empowerment Cooperation (FACE). The program is called the Smart Shopper Program where we will have women working with up to 25 other young women on how to efficiently buy food and prepare it for their families in the home. The young mothers will be taught how to utilize available services, including food stamps, WIC vouchers and coupons. The person that has been hired for this program will actually accompany the mother on the bus to the grocery store, help them purchase items, reading labels and talking about unit price costs, helping them to return home and to prepare nutritional meals for their family. In collaboration with the District, Community Health Centers of Southern Nevada is giving us some office space for the program and Clark County Cooperative Extension food nutritionist will be working with us on the program.

Environmental Health

Clare Schumtz and Lonnie Empey gave a brief overview of the use of portable toilets on the Las Vegas Strip for New Years' Eve. Staff is already working on a similar program for 1999 and year 2000 for the Las Vegas Strip. All other sections running well.

V. CITIZENS PARTICIPATION

Robert W. Hall remarked that he was representing Nevada Environmental Coalition, and was shocked and dismayed at the comments this morning about the newspaper articles. The environmental community provided the information indicated in the newspaper articles. They interviewed people, conducted investigations, gave the information to the newspaper reporter who then confirmed it. He expressed concern that this was not on the agenda, and that there was no investigation or audit being done on the entire operation. He was talking about offset credits, fees, fines, and many other things. The problems became evident to him during a lawsuit at the U.S. District Court that he initiated personally against the BLM and another formal complaint against their Lone Mountain operation. He expressed concern of being limited to 3 minutes on the issue. He stated the public should have more input, if not they have no choice but to go to court.

He pointed out that the City Council appointed him to the Beltway Committee. The Committee half way through had to stop its environmental assessment. As a result of these efforts, they now have no federal funds. He reemphasized the seriousness of the issues and that the Board was not getting good information. The information is available from the environmental community.

Member Kenny stated as a point of clarification for the record, federal funds are not being used for the Beltway so no federal funds are being lost.

Helen Foley, representing Regent International an Ethanol distributor, in reference to the update

recommendations for ozone, thanked staff for their preemptive strike recommendation to reduce future levels of ozone. However, she wanted to clarify that California and federal prescription for reformulated gasoline says that Ethanol is mandated. At the federal level it is an average minimum of 2.0 weight percentage and in California it is 1.8 to 2.2 weight percentage. Regent International will be happy to work with Staff in deciding whether or not there should be a minimum level of oxygenate in reformulated gasoline.

Jennifer Hodge, representing Citizen Alert, expressed concern about comments Board Members made regarding the newspaper articles on the APCD. She felt it was a disservice to the public in that the public could not read what was in the paper and be assured that what is written is accurate. No correction regarding the articles was submitted to the newspaper, therefore, there must be major problems. Information came from the APCD.

Member Kincaid, noted that unfortunately many times the correct information is not printed in the newspaper, even though this is a main source of information for the public.

Dr. Ravenholt commented that Staff will try to meet with Citizen Alert and the Coalition Members.

Mary Shope, Boulder City resident, thanked the Staff and Board Members for their efforts in dealing with transfer stations and recycling centers. She felt Environmental Health Staff should make the Board aware of possible Class II landfill in Lincoln County.

VI. INFORMATIONAL ITEMS

DULY NOTED

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, December 3, 1997
3. Listing of Food Establishments in Plan Review for the Period of 12/01/97 - 12/31/97 Environmental Health Division
4. Air Pollution Control Monthly Report (Air Quality, Enforcement Activity and Permitting), December, 1997
5. Air Pollution Control Hearing Officer Meeting Annotated Agendas, 12/10/97
6. Meeting of PM10 Emissions Control Research Advisory Committee 10/29/97 Minutes
7. Report on Planned Pilot Program with the Clark County School District Using California Reformulated Gasoline
8. Letter from City of Henderson Utility Services Manage Regarding Grant Application for Mayfield Water Users Association
9. Newspaper Article from the Review Journal Re: Inspectors Keep Tabs on County Restaurants

VII. ADJOURNMENT

There being no further business to come before the Chairman Colquitt adjourned the meeting at 10:30 a.m.

SUBMITTED FOR BOARD APPROVAL

Otto Ravenholt, MD, Chief Health Officer
Executive Secretary

/mlg