

[] indicate Amendments

Amended
MINUTES

Clark County District Board of Health Meeting
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday March 12, 1998

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

Present:

Sherry Colquitt, RN	Appointee, Las Vegas
Donalene Ravitch, RN	Appointee, Boulder City
Paula Brown	Councilman, North Las Vegas
Kirk Cammack, M.D.	Physician Member At Large
Susan Crowley	Appointee, Henderson
Robert Ferraro	Mayor, Boulder City
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Commissioner, Clark County
Gary Reese	Councilman, Las Vegas

Absent:

Amanda Cyphers	Councilman, Henderson
Stephanie Smith	Councilwoman, North Las Vegas

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; Vic Skaar; Felix Havis; Carol Emery; Jane Shunney; Monte Symmonds; Glen Moses; Karl Munninger; and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
David Emme	Environmental Protection-Carson City
Dick Serdoz	Environmental Protection-Las Vegas
Alberto Abreu	Enova
Joe W. Brown	Jones Vargas/Eldorado Energy
James Chavez	Nevada Power Company
Teri McGuinness	North Las Vegas Public Works
Lori Wohletz	City of Las Vegas
Golden W. Welch	Las Vegas Paving
David C. Breault	Las Vegas Paving
Damon Ohlerking	City of Boulder City
Steve Koon	City of Boulder City
Peter Gulash	Kleinfelder Engineers
Micki Winsett	Strategic Solutions
Stephen Kalish	Silver State Disposal
Robert Groesbeck	Silver State Disposal
Keith Rogers	Las Vegas Review Journal
Jessica Hodge	Citizen Alert
Gary Thompson	Las Vegas Review Journal
Richard Neilson	Saguaro Power
Mary Shope-Wiles	Self
Ann Zorn	Self

OATH OF ADMINISTERED:

Ian Ross, District Legal Counsel, administered the Oath of Office for the calendar year 1998 Secretary, Donalene Ravitch, RN.

PRESENTATION - Board Recognition of Monte Symmonds:

Michael Naylor remarked that one of the various air pollutants that the District measures is pollen. The Valley is coming into the pollen season. Ash and Elm trees are the current pollinators. Mulberry tree pollen will be out soon and Olive tree pollen will be out in another month. Monte Symmonds, Air Pollution Control Monitoring Specialist is one of the persons who runs the network for collection of samples, interpretation, and counting under the microscope. Monte has been awarded certification and the District is designated as a quality pollen counting station for completing the requirements set forth by The American Academy of Allergy, Asthma and Immunology for proficiency and special knowledge in the collection, counting and identification of pollens.

Monte Symmonds commented on the training involved going through various courses that deal with pollen and fungus spore identification.

The Board Members applauded Monte Symmonds.

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 Reese moved for approval of the Consent Agenda with the following amendments to the minutes: Page 1 indicated that Donalene Ravitch was absent; Page 5, #3 indicated that Chairman Colquitt opened the public hearing; Page 19, under Citizens Participation, 4th sentence strike out the word "coalition" and

replace with the word "They". Member Crowley seconded the motion which was carried unanimously and thereby approved the following Consent Agenda:

1. **Minutes/Board of Health Meeting** - 01/22/98
2. **Payroll/Overtime for Periods** of - 12/27/97 - 01/09/98 & 01/10/10/98 - 01/23/98
3. **Accounts Payable Register** - #729, 01/15/98 - 02/06/98 & #730, 02/09/98 - 02/19/98
4. **Petition #08-98** - Approval of Classification Specification for Proposed Position of Nursing Central Supply Clerk on Salary Schedule 15

Dr. Ravenholt explained in reference to the February Board meeting cancellation, and a misrepresentation in a newspaper article, this was the first time in over 10 years that the mailing of the Agendas did not occur on the Thursday or Friday preceding the week of the Board of Health meeting. It was in relation to the Anthrax scare and additional complications in the preceding week. Staff has taken steps to ensure the timely mailings of the Agendas in the future.

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

NO PUBLIC HEARINGS

III. REPORT/DISCUSSION/PO

1. **Petition #09-98** - Contract with Kleinfelder, Incorporated, As Previously Recommended by the Ad Hoc Committee to Conduct a Particulate Track Out Study

Michael Naylor remarked that at the January meeting, the Board of Health approved the project and directed that Staff return with a contract with Kleinfelder at a cost not to exceed \$32,725. There are plans to use a project located within the City of Las Vegas and therefore the City Public Works department has agreed to be responsible for cost of traffic control. Consequently, the actual cost should not exceed \$30,000. This study will compare methods to reduce Track-out which is a significant part of dust from construction activities and therefore will address some of our PM10 issues in the valley. The study will compare the effectiveness of gravel pads using current District requirements to control track-out versus the use of portable wheel shaker devices.

Member Ferraro suggested that Staff provide an appropriate report before the Board along with the written one at the completion of the project.

Member Kincaid moved for approval of Petition #09-98, contract with Kleinfelder. Motion was seconded by Member Crowley and carried unanimously.

2. **Petition #10-98** - Donation of Health District Surplus Computer Equipment to the Clark County School District

David Rowles remarked that over the last several years the District had been accumulating a large supply of outdated computer equipment. Generally, these items are taken to the County auction along with other County supply materials. The last time the District donated surplus equipment we received \$150. We estimate that the dollar value of this surplus equipment to be approximately \$500 to \$1000. The Clark County School District had indicated a desire to purchase the accumulation of surplus property to use for training purposes. Staff recommended donation of the equipment to the School District as part of the cooperative relationship between intergovernmental

agencies.

Member Ferraro moved for approval of the Petition #10-98, donation of the Health District surplus computer equipment to the School District. Motion was seconded by Member Brown and carried unanimously.

3. Ad Hoc Committee Report: Urban Forestry Program & Revolving Loan

Committee Chairman Ferraro reported that the Ad Hoc Committee had met on February 17, 1998 in a workshop session and discussed the various parameters of the particular programs. He introduced two staff members from Boulder City, to give a brief overview of the Urban Forestry Program.

Steve Koon, Boulder City Conservation Specialist commented that they were excited about this program. Planting trees in Boulder City would be an effective way of contributing to the improvement of air quality as well as providing emission reduction credits for Eldorado Valley. Eldorado Energy is located in Boulder City's air basin and since we did not fall under the federal guidelines we were able to look at more innovative ways to clean the air. Boulder City staff in the last year performed research to determine the impact of adding the trees and discovered that there is good scientific data supporting the planting of trees. It is anticipated that if 15,000 trees are planted, over their 40 year life, up to 1200 tons of ozone, nitrous oxide, carbon monoxide, sulfur dioxide, including 75,000 tons of carbon dioxide and 15,000 tons of particulates would be removed.

Recent studies funded by the California Air Resource Board on the use of trees as wind breakers for blow sand in a PM10 nonattainment area of the City of Indio, found that the trees reduced the sand on the streets by as much as 10 pounds per tree as well as reduced the PM10 levels. In an effort to reduce the substantial amount of hydrocarbons emitted by parked cars another study was conducted by the Department of Forestry located in Davis, California for the City of Sacramento to determine the impact of shade trees in parking lots. The initial calculations from the study indicated that planting trees in parking lots throughout the region reduced hydrocarbon emissions comparable to the level achieved through the California Clean Fuels program.

Boulder City has developed an infrastructure for irrigating the trees through the use of water taken directly from the lake. The water supply for the Boulder City area will accommodate projected growth through the year 2030 and the benefits of the trees are well worth the resources that would be used. [They] estimated that 15,000 trees would require less water for irrigation than 9-holes of the exiting golf course. [They] are committed to planting and maintaining these trees. The community has shown an interest in reforestation of Boulder City. Also, the trees provide noise abatement, energy conservation, storm water retention, and beautification of the community.

Discussion ensued by the Board Members in reference to possibly developing this program in other areas of the community.

Member Ferraro explained that what prompted this innovation was that Eldorado Energy was going to be located in Eldorado Valley which is within Boulder City airshed. Therefore, the Boulder City community felt that it should be the responsibility and moral obligation of Eldorado Energy to work with the local community to determine a method to obtain offsets for the emission reduction credits required. Member Kincaid stated that the planting of trees would be a very good way to reduce pollution and a worthwhile program to improve the air quality for the entire valley.

Michael Naylor explained that it is envisioned that the person building a stationary source in the Eldorado Valley of Boulder City could get credits from urban forestry to offset their emissions of PM10, carbon monoxide, volatile organic compounds (VOC), and oxides of nitrogen. It is not envisioned that this concept would apply to the Las Vegas Valley but it might be developed for some future time.

Member Crowley asked if the ability to start a program to take care of offsets in Boulder City was because the area was an attainment area. Would something like this be possible in the Las Vegas Valley since it is a non-attainment area?

Michael Naylor answered that the Clean Air Act does not require offsets for major sources in an attainment area, such as Boulder City. However, a large stationary source built in the Las Vegas Valley would need federally enforceable credits. A federally enforceable credit is an emission reduction that an existing permitted source has undertaken through voluntary improvements (that they were not required to put on) and/or they have baseline emissions and shutdown such emission activity. Credit can be received for a shutdown. These measures have to be surplus and must represent actual reduction in emissions. The urban forestry credits are not considered federally enforceable. If the Board adopted regulations, only a non major source built in the Las Vegas Valley could use these credits as non major sources are not required under the Clean Air Act to have federally enforceable credits. Something like this could be implemented in the Las Vegas Valley for some sources. We do not currently have any federally approval credits in the Las Vegas Valley. A major source cannot even locate in the Las Vegas Valley because of the lack of federally approved credits. Responding to a question from Member Kincaid he said that the trees reduce carbon dioxide (the global warming pollutant and particulate matter) but they do not affect carbon monoxide. The trees to be used in this project are drought tolerant. Staff anticipates contacting the local nurseries to encourage the use of drought tolerant and low VOC emitting trees.

The Ad Hoc Committee also looked at a vehicle repair loan program. Based on discussions and the workshop there is no consensus or any indication that the program would work. So there are no plans to have any kind of a credit program for vehicle repair at the present time.

Member Ferraro added that the Urban Forestry projects could serve as a demonstration project for the entire community. The Board is always looking for ideas and methods of reducing pollution. By allowing this to be established in the Eldorado Valley in Boulder City it will provide an opportunity to see what a major program such as this will do for the area.

He moved that the Board accept the committee report and recommendation as presented. The motion was seconded by Member Ravitch and carried unanimously.

- 4. Petition #07-98** - Request to Set a Public Hearing for April 23, 1998 to Consider Draft Amendments to Section 0 (Definitions) and Section 12 (Pre-construction Review for New or Modified Stationary Sources) and Deletion of Section 15 (Source Registration); Urban Forestry Program in Boulder City, Road Paving Credits, Hydrogen Sulfide Monitoring

Michael Naylor noted that there were 15 items for which Staff is requesting Board consideration for public hearing. The Urban Forestry components derive directly from the input from Boulder City. Several recommendations have been suggested for improvement of the offset program for paving dusty roads. A more accurate formula to calculate road paving benefits has been suggested. These changes will both clarify and make more accurate the determination of credits for paving roads of various lengths, traffic counts and silt content. It would also eliminate a 7 year credit that we now provide. The credit is too inexpensive. The District price and the actual cost of paving will undercut the private market price.

Staff has had discussions with operators of the two major waste water treatment plants and we find that we have some unrealistic pre-construction trigger levels to do hydrogen sulfide monitoring. This monitoring has to be done before a facility is built. We are finding that levels are so low that every waste water pumping station could in theory every waste water pumping station could unnecessarily trigger the monitoring requirements. Therefore, we are trying to streamline requirements for monitoring hydrogen sulfide. Proposed amendments also reflect a number of clarifications and corrections.

After further discussion, Member Ferraro moved for the adoption of Petition #07-98, Request to Set a Public Hearing for April 23, 1998 to Consider Draft Amendments to Section 0 (Definitions) and Section 12 (Pre-construction Review for New or Modified Stationary Sources) and Deletion of Section 15 (Source Registration); Urban Forestry Program in Boulder City, Road Paving Credits, Hydrogen Sulfide Monitoring. The motion was seconded by Member Brown and carried unanimously.

Ian Ross, Board Legal Counsel recommended in reference to the Urban Forestry Program that the actual proposed regulations be drafted in more general terms so that any attainment area would qualify based on population instead of just specifically Boulder City.

Member Ferraro and Brown amended the motion to reflect recommendation of Legal Counsel as stated above. The motion was carried unanimously.

Member Crowley asked for clarification on Item #15 in the Petition so as not to jeopardize a prior rule that the Board adopted. Would inclusion of the following statement apply to gas stations since the District allows them to commence with construction before they have the authority to construct in place: *Section 12.8.4.4 now provides that "No stationary source shall commence construction unless it has met all requirements of the rule to which it is subject, except where the rule allows that compliance with a specific requirement may be achieved by a later date."*?

Michael Naylor stated that EPA requested insertion of this specific rule because of concern that there could be situations where a company had agreed to install the Best Available Controls but when they start their construction they might not actually be underway with installing the Best Available Controls. This does not have any bearing on gasoline stations.

Mike Sword added that EPA does not consider a gas station to be a stationary source, therefore this rule will not conflict.

5. Memorandum #05-98 - Summary Status Report on Air Pollution Control Division Fees, Penalties and Emission Reduction Credits & Offset Program

Dr. Ravenholt stated that this is a partial response to the issue of the documentation, auditing and bookkeeping on Emission Reduction Credits (ERC).

David Rowles explained that approximately a year and half ago Staff commenced to assemble all pieces of the database in the Air Pollution Control Division. We did have members of the APCD Staff who had valiantly developed various elements of the database. As the number of players increased in that area, this became a complicated task. Therefore, we undertook developing a comprehensive database as sophisticated as what is now used in the Environmental Health Division to track all the restaurant inspections, pools, and septic tanks. We are nearing completion of that. He commended the efforts of David Hoch, APCD Supervisors and other staff who helped originate the database.

The new database will be able to track billings for permits, emission control fees, offsets, those required to do offsets, throughputs, nature of payment whether credit or cash, tracking of penalties, modifications whether in equipment or efficiencies, reporting requirements and characteristics of sources. It will be helpful to staff who have assisted in its development.

The project has been a major undertaking and Staff anticipates bringing a demonstration of the database to the April Board meeting. Additionally, Staff has asked the accounting firm to conduct a special procedures audit to cover questions of cash flow and status of credits. This should also be available at the April Board meeting. Mr. Rowles commended the efforts of Karl Munninger and Paul Orillion who have done the major work on the project. He noted that members from Las Vegas Paving were present if the Board had questions regarding their role in the offset program.

Discussion by Board Members followed on how better to present this information to the media to reduce the negative picture that they have painted of the Health District. Staff will make printouts off the new database available. The data is designed to be more understandable and readable by the average person. The Board suggested that Staff be their own advocate and have several Staff members review data on a one-to-one basis with appropriate news personnel. The District anticipates hiring an individual to disseminate public information as recommended by the Clean Air Task Force II committee. The Board stated that it was time to be more proactive as these are concerns of major importance that affect the Board and the entire community. The District needs to strengthen its community outreach program.

6. Chief Health Officer Succession: Appoint Committee to Review, Negotiate and Recommend to the Board

Chairman Colquitt appointed the following Board Members to the Committee:

Committee Chairman & Past Board Chairman - Member Ferraro
Board Chairman - Member Colquitt
Board Vice Chairman - Member Cyphers

IV. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick commented that the Health District hosted a visit of 26 Russian Public Health Officials during the week of March 3-6, 1998. He commended Staff for their efforts and participation as few of the Russians spoke English. Chairman Colquitt welcomed the group. Another group of approximately 16 Russian Public Health Officials will be visiting the District during the week of March 17-20, 1998. The Health District became involved with this program because the Russians were unable to visit Los Angeles Health Department as originally planned due to departmental reorganization in Los Angeles. We received a call from the tour leader asking if the Clark County Health District could host them for an overview of our local public health programs. The program was not on prostitution as reported in the Review Journal, but on all aspects of public health at the local level.

On the March 17 Board of County Commissioners Agenda there is an item concerning the Ryan White Title I Program. We have asked the Commission to delegate authority to the Health District to move ahead to establish a planning council for use of the Ryan White Title I funds (\$75,000) and establish an infrastructure. During this planning phase we will prepare an application by the end of 1998 for Clark County to receive approximately \$2 million dollars in February 1999 for AIDS/HIV patient and family services throughout Clark County.

Dr. Ravenholt added that we became eligible to participate in the special revenue pool with cities or jurisdictions in the country that had more than 2,000 AIDS/HIV cases in a 5 year period that ended December 31, 1997. Through special efforts of Staff we were able to reach that benchmark. This makes the Las Vegas area eligible to receive approximately \$2 million dollars each year to augment HIV patient care and control of AIDS/HIV disease. The federal government rules require that the award be to the principal elected official of the local jurisdiction and not directly to the Health District. The County is the principle entity involved in care of AIDS/HIV patients through the University Medical Center. Commission Chairman Gates is the person to whom the basic grant will be made. The extensive planning required will be carried out through Health District efforts.

Administration

David Rowles stated that we are under construction with the roofing and remodeling project. During the month of January we served 10,377 health card clients and processed 1,021 death certificates and 1,580 birth certificates. The budget will be presented at the March Board meeting.

Clinics & Nursing

Fran Courtney updated the Board on activities. The Health District has been involved with the Dental Coalition. Nationally there is a dental initiative called Oral Health 2000. This initiative involves appropriate prevention and care of dental needs of families. Through the leadership of the Community Health Centers of Southern Nevada, the Dental Coalition of Southern Nevada is expanding to include interested parties in developing oral health promotional activities in Southern Nevada. Hopefully, this program will be collaboratively initiated through the School District, home visitation programs and other contacts. Presently, Blue Cross and Blue Shield are interested in getting started with the program. They have purchased tooth brushes for the Health District to give out at health fairs and other classroom presentations on oral health.

Locally, in order to have an adequate number of dentists to take care of the oral health needs of this community we need some 400+ additional dentist professionals to relocate to Las Vegas and open up practice. Las Vegas and Nevada have some areas that are identified and designated as federal dental shortage areas.

Dr. Kwalick commented that fluoridation on a per capita basis does not appear expensive. The Southern Nevada Water Authority has estimated that the initial start up cost for engineering such a program would be approximately \$4 million dollars but this is only 35¢ per person/month.

Fran Courtney, RN, added that the Junior League in Southern Nevada has taken the issue of fluoridation as one of their primary projects for the next legislative session.

The Health District is working with a group of organizations in the Immunization Coalition of Southern Nevada to expand these services. They are presently working on an initiative with the School District to highlight adolescent immunization needs. Next fall they are anticipating immunizing students in the middle schools. The agencies involved, including the local HMO's will be contributing personnel and administrative time to make this effort successful.

Environmental Health

Clare Schmutz handed out a graph of new food establishments that have been under construction over the last 4 years. Even though there has been a rapid increase in the numbers of establishments, the District still has managed with the same number of Staff members in the Plan Review Program as we had 4 years ago. The majority of the increases are the result of mega resorts in the community.

During the recent 400 National Races there were 126 temporary food facilities permitted to serve at the Speedway. This was in addition to the 117 permanent permitted food facilities there. Staff was on site monitoring the facilities.

Member Kincaid informed the Board that she along with Chairman Colquitt, Member Brown and Staff visited US EnviroMed and there will be something on future agendas regarding the facility.

Clare Schmutz stated that in 1996 there were 364 animal specimens shipped to the laboratory in Reno for rabies testing. Only 3 of those specimens, which were all bats, were positive. In 1997 that dropped to 221 animal specimens because we have been trying to educate the animal control staff to submit only bites. Of that batch 3 bat specimens were positive for rabies.

In reference to Hantavirus, the District will soon begin its annual survey with animal trapping and blood draws at different locations in the county.

Air Pollution Control

Michael Naylor commented that there has been no exceedances for CO or PM10 in Las Vegas Valley this year. In the case of CO, we now have a 23-month span where we had only one exceedance (in December 1997) and two for the 24-month span, including the one bad day in March of 1996. If we

can get through two calendar years with these results we would meet the EPA definition for attainment.

In reference to pollen, the counts so far have been normal. We are seeing some Ash and Elm pollen which is typical this time of year. Olive and Mulberry Pollen will be present soon. Also, with additional rain in the desert we will see more pollen related to weeds perhaps in May or June.

Environmental Health & Air Pollution Control {Combined Report on the Sunrise Landfill

Chairman Colquitt remarked that after Staff reports on the Sunrise Landfill we will proceed to citizen participation. She asked individuals who have comments regarding the Sunrise Landfill to speak first.

Dr. Ravenholt commented that this was a complex issue. In 1993 there was a closure date for existing Landfills, if they were not to be encumbered with a new set of rules that would apply to those open and receiving waste after the 8th of October 1993. This caused more than half of the Landfills in the United States to cease receiving waste and undertake closure activities. The Sunrise Landfill followed that course. The Board of Health adopted by reference the State Environmental Commission regulations in September 1993. This facilitated the creation of Apex Landfill as a regional destination for solid waste from the Las Vegas Valley. The property is approximately 2,000 acres that Silver State companies had acquired from the United States Bureau of Land Management (BLM). Approximately 1,000 acres was opened in a planned Landfill of some 100 ten-acre cells. They are currently on the fourth cell. This terminated the input of waste to Sunrise Landfill and set the ground work for closure. At that time the state regulations had a 6 month horizon for closing the Landfill after it ceased to receive waste. All of the smaller Landfills were phased out of existence and closed.

The Sunrise Mountain Landfill property is owned by the United States Bureau of Land Management (BLM). Clark County has maintained leases on the 720 acre Landfill site since 1957, and had a franchise agreement with Disposal Urban Maintenance Processing Company, Inc. (DUMPCO) to manage and operate a Landfill there for disposal of municipal and related solid waste.

Clare Schmutz stated that Clark County and DUMPCO discontinued use of the Landfill in October 1993, after more than 30 years of operation, to avoid it coming under new Federal standards which would have required different procedures for operation and monitoring of the Landfill for 30 years after closure if it continued in operation after that time. Coincidentally, Apex Landfill opened in October 1993,

Upon cessation of use of Sunrise Landfill, DUMPCO contracted with Harding Lawson Associates Engineering and Environmental Services of Las Vegas (HLA) to prepare a Closure Plan as required by the closure criterion that was in effect at that time. This Closure Plan, completed in April 1994, was agreed to and signed by DUMPCO, Clark County Public Works, BLM and the Health District.

Dr. Ravenholt remarked that in order to meet Code of Federal Regulations requirements to verify that closure is accomplished in accordance with the Closure Plan, DUMPCO also contracted with Vector Engineering, Inc. of Carson City for detailed monitoring of closure activities during the time the Landfill was in the closure phase. A letter from HLA submitted to and provided by DUMPCO, verified closure of the Landfill in accordance with the Closure Plan and enclosed a Certification of Compliance. This reflected the detailed Construction Quality Control documents developed by Vector Engineering during the closure process.

This record of closure also included a letter from Marty Manning, Director of Public Works for Clark County, including a signed agreement with DUMPCO for maintenance activity for 5 years. In March of 1995, an agreement was signed by DUMPCO, Clark County, BLM, and the Health District that Sunrise Landfill had been closed in accordance with the April 1994 Sunrise Mountain Landfill Closure Plan.

Ed Wojcik remarked that the Closure Plan identifies that the Landfill ceased to receive waste prior to October 9, 1993. Based on requirements of the Code of Federal Regulations no monitoring of

groundwater or methane gas was then required. However, in accordance with a Modification of the Franchise Agreement between DUMPCO and Clark County DUMPCO had agreed to conduct monitoring of methane gas along the Landfill boundary lines consisting of ambient air readings with a hand-held air pump, with monitoring to occur semi-annually. To date, six series of tests have been conducted by DUMPCO; in five of these series the tests registered no detectable gas. One test of the series registered a gas finding of 4% of the Lower Explosive Limit, 0.2% of the ambient air. Also included in the modification of the Franchise Agreement was a commitment by DUMPCO to Clark County to monitor the groundwater from the existing well.

New Federal regulations involving the Clean Air Act, adopted since the 1993 closure of Landfills across the country, requires collection and control of Landfill gas by December 31, 1999. This requirement resulted from the finding that all closed Landfills generate and emit Landfill gas. This is principally methane and CO₂, but almost half of one percent is in the category of non-methane organic compounds which are precursors of ozone. The EPA deadline for demonstrating performance of the gas collection system is December 31, 1999. The District Board of Health in January 1997 adopted the same requirement to be operational by July 1999. The Health District notified all parties of the gas collection requirement last summer and again this month.

Dr. Ravenholt remarked that BLM has apprized the District that the proper party for this notification is the lessee of the property, Clark County Public Works. From recent discussion with the principals, it appears that responsibility for gas collection and management remains in dispute. The County has expressed a position of having returned the lease but the BLM maintains they have not accepted return of the lease. This issue is of considerable importance.

DUMPCO/Republic is in the middle of a five (5) year maintenance commitment to Clark County that expires in the year 2000 for inspecting, monitoring, and maintaining the Landfill. This includes maintenance of the integrity and effectiveness of the final cover and storm drainage facilities. The Contractor is to make repairs to the final cover as necessary to correct effects of settlement, subsidence, erosion, or other events, and prevent run-on and run-off from eroding or otherwise damaging the final cover.

It should be noted that BLM though signator to the earlier closure agreement, now takes the position that the Landfill is not adequately closed. They quote a review by their consultant in October 1997, holding that the gas should be collected, ground water monitored, and that the cap at four selected points of analysis is insufficient. They claim this should be cause for a comprehensive analysis of the overall condition of the Landfill. They, incidentally, wish to revert or make a gift of the Landfill acreage to Clark County, the past (and current?) lessee. Of considerable importance, it has become apparent that closure of a large Landfill by the 1993 design in a desert, arid climate may have an unending need for maintenance of the closed Landfill. This is because no vegetation will grow without irrigation and because Landfills always settle differentially.

It is the position of the Clark County Health District that this Landfill was closed in keeping with agreed upon rules at the time of closure. It then became a closed Landfill, property of the owner and/or lessee. That proper closure was attested to by all parties in March 1995, based upon Construction Quality Assurance documentation and certifications. Those reflected hundreds of quality control tests at control points over the 129 acres. This documentation from throughout the period of closure was apparently not made available by BLM to their consultant.

Ed Wojcik explained that gas collection from closed Landfills has more recently become an EPA requirement. The owner or lessee, with or without a contractor, is to demonstrate the gas collection and control system by December 1999. Also groundwater monitoring, not required by the rules at the time of closure, may be required by the Nevada Division of Environmental Protection, the agency with jurisdiction for protection of ground and surface waters of the State, depending on their judgment call.

The Landfill as others in arid, desert settings will clearly need maintenance for many years beyond either a 5 or 30 year period. This stimulates the BLM, County, and Silver State concern over this issue.

Dr. Ravenholt added that Landfill property has gained value for recreation potential in other states. Golf courses or athletic fields are commonly sited on Landfills after additional protective soil cover. One experienced development applicant is proposing such use of the Sunrise Landfill acreage. Leahi has a record of previous development of such facilities on Landfills in Hawaii and California and proposes assuming all obligations of gas collection and control, water monitoring, and other aspects of maintenance and protection that may be required if they could thereby gain use and ownership of the property.

The BLM favors such use, but claim their only legal option is to sell the property to the County, as the lessee. They represent they cannot lease or sell to a third party. Presumably, Clark County could be intermediary and through an RFP process could achieve a recreation complex without use of taxpayer funds. This will be an important policy/political question and decision for the County Board of Commissioners.

Dave Emme, Chief of the Nevada Bureau of Waste Management, stated that they had drafted the solid waste regulations adopted by the State Environmental Commission and the District Board of Health. Federal Landfill regulations were adopted by EPA in 1991. The regulations were intended to be implemented by the States with incentives built in because the regulations used the phrase "approved States" which are given flexibility in certain areas of the regulations to tailor standards to their local environments. Nevada went through the process of adopting the regulations and amending the statutes in order to gain federal EPA approval of the program. The regulatory jurisdiction is structured such that the health districts within the State are considered the solid waste management authorities and the Division of Environmental Protection is that throughout the rest of the State. However, the Division of Environmental Protection has limited oversight as described in the statute over the two health district programs.

Essentially, in addition to permitting and regulating sites within our jurisdiction our job is to ensure that the federal and state standards are met. The federal standards had to be fitted into the Nevada Administrative Code. There are some slight difference between the state and federal regulations, which has caused some confusion in terms of what the State or Federal regulations require. As an EPA approved State we do have the obligation of ensuring that those Federal standards are met.

There is methane venting from the Sunrise Landfill but at this point it does not appear to pose a safety hazard which is the principle concern of the Landfill regulations. Air quality standards are concerned with how those emissions affect air quality; the Landfill regulations are intended to ensure that the gas does not explode. The regulations require that if there are buildings on site that you monitor within the building and the content of gas should not exceed 25% of the Lower Explosive Level, which is a mixture of the gas and air under which it could explode. There are no structures on this Landfill site. The regulations also require that you not exceed the Lower Explosive Level at the property boundary. We would like to see some additional monitoring at the property boundary to ensure compliance. It is very unlikely that we would exceed the Lower Explosive Level for methane at the property boundary.

Going past the federal deadline for closure has been triggered and NDEP would like to see the Landfill monitored for it. It is relatively unlikely that contamination would be found but there is uncertainty and it would be prudent to collect the ground water monitoring data to be able to definitively answer the questions.

In reference to the Landfill cap, it has been learned that use of clay in a desert environment is difficult and may not be the best approach to capping the Landfill. There are alternatives over the long term, which, depending on the land use, should be researched. In the near term, the thickness of the Landfill cap in certain areas needs to be surveyed. Some of the trenching and preliminary work that BLM did

affected the thickness and disturbed certain areas of the site. He reiterated that there is a regulatory entanglement in this issue over who is responsible for this site. NDEP is hopeful that some agreement and perhaps limited monitoring can be done to answer the environmental concerns over the site. He briefly reviewed the status of the other Landfills throughout the State.

Discussion followed by Board Members, Staff and Legal Counsel concerning using the land as a recreational facility. Prior to developing a golf course several things would have to be accomplished, including a complete assessment of the soil, and a leachate protection system. Apparently, such use would require that there be added some four feet of top soil. This would eliminate concerns of the clay cap. Since the Landfill is closed, oversight of gas collection will fall under the District Air Pollution Control auspices.

V. CITIZENS PARTICIPATION

Steve Kalish, president of Republic Silver State Disposal stated that over the last five years much has been learned about closing Landfills in the desert. Republic/Silver State has agreed to maintain that facility for the 5 year period and they will work with the agencies to bring this to some resolution for the community. They support the Leahi Group and their efforts to build a golf course on the Sunrise Landfill site as this would be a nice asset to the community.

Mary Shope, Boulder City resident expressed concern over enforcement of the authority to construct permit that she felt should not have been given to the sand and gravel operation in the Eldorado Valley. The Board directed Michael Naylor to research the situation.

VI. INFORMATIONAL ITEMS

DULY NOTED

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 01/07/98
3. Listing of Food Establishments in Plan Review for the Period of 01/01/98 - 01/31/98 Environmental Health Division
4. Air Pollution Control Monthly Report (Air Quality, Enforcement Activity and Permitting), January 1998
5. Air Pollution Control Hearing Board Annotated Agenda, 02/12/98
6. Air Pollution Control Hearing Officer Annotated Agenda, 01/21/98, 02/05/98 & 02/19/98
7. APC PM10 Committee Minutes, 01/08/98
8. Letter from National Allergy Bureau & Certification
9. Clark County Health District 1997 Illegal Dumping Report
10. Home Health/Transitional Minutes

VII. ADJOURNMENT

There being no further business to come before the Chairman Colquitt adjourned the meeting at 9:58 a.m.

SUBMITTED FOR BOARD APPROVAL

Otto Ravenholt, MD, Chief Health Officer
Executive Secretary

/mlg