

MINUTES

Clark County District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, July 23, 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 Affidavits will be incorporated into the Official Minutes.

Present:

Sherry Colquitt, RN	<i>Chairman, Appointee, Las Vegas</i>
Paula Brown	<i>Councilman, North Las Vegas</i>
Kirk Cammack, MD	<i>Physician Member At-Large</i>
Amanda Cyphers	<i>V-Chairman, Councilman, Henderson</i>
Susan Crowley	<i>Appointee, Henderson</i>
Robert Ferraro	<i>Mayor, Boulder City</i>
Erin Kenny	<i>Commissioner, Clark County</i>
Mary Kincaid	<i>Commissioner, Clark County</i>
Donalene Ravitch, RN	<i>Secretary, Appointee, Boulder City</i>
Gary Reese	<i>Councilman, Las Vegas</i>
Stephanie Smith	<i>Councilwoman, North Las Vegas</i>

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel

Ian Ross, Esquire

Staff: Fran Courtney, RN; Michael Naylor; David Rowles; Clare Schmutz; Rose Bell, PhD; Karl Munninger; Mike Sword; Ed Wojcik; Vic Skaar; Hope Arrington; Bonnie Carlisle; Jeanne Palmer; Cheri Foster; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
John Powers	Self
Chuck Jenner	Clark County Public Works
Gary Loberg	Clark County Public Works
Joe W. Brown	Jones Vargas (WSPA)
Gina Grey	Western States Petroleum Association
Randy Smith	Mobil Corporation
Connie Ferraro	Bob Ferraro
Shirley Adams-Lowe	GES, INC. (ACEC-ENV.)
Dick Serdoz	NV Division of Environmental Protection-Las Vegas
Doug Zimmerman	NV Division of Environmental Protection
Brenda Pohlmann	NV Division of Environmental Protection
Todd Croft	NV Division of Environmental Protection
Jim Trotter	TOSCO Corporation
Jennifer Stettney	TOSCO Corporation
Carole Farr	SECOR International
Clint Combs	R. C. Farms, Inc., Waste Management, Inc.
Art Nadler	Las Vegas Sun
Rick Nielsen	Citizen Alert
Lori Wohletz	City of Las Vegas
Alan J. Gaddy	Republic Silver State
Jim Rankin	Republic DUMPCo
Micki Winsett	Strategic Solutions
Kenny Young	Strategic Solutions
Michael Johnson	Las Vegas Valley Water District
Keith Lynam	Republic Silver State Disposal
Tom Maher	Southern Nevada Water Authority
Kathryn Anaya	ARCO
Robert W. Hall	AKA, Nevada Environmental Coalition
Jim White	White Environmental Associates
Doug Vind	Regent International
Helen Foley	Regent International

Presentation:

Clare Schmutz, on behalf of the Clark County Health District Environmental Health Division, presented the Board of Health Members with the Samuel J. Crumbrine Consumer Protection Award Plaque. The award was presented to the Clark County Health District Environmental Health Division for unsurpassed achievement in providing outstanding food protection service to the community. The award is sponsored by the National Environmental Health Association.

Chairman Colquitt on behalf of the Board Members commended Staff and stated that the award was truly an honor.

Clare Schmutz, on behalf of the Environmental Health Staff, presented Dr. Kwalick with a picture that was taken of the Environmental Health Staff who attended the National Environmental Health Association Conference after Staff had received the award.

I. CONSENT AGENDA:

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

*Member Ferraro **moved for approval** of the Consent Agenda. Member Reese **seconded** the motion which was carried unanimously and thereby approving the following Consent Agenda:*

1. **Minutes/Board of Health Meeting** - 06/25/98
2. **Payroll/Overtime** for Periods of 05/16/98 - 05/29/98 & 05/30/98 - 06/12/98
3. **Accounts Payable Register** - #738: 06/08/98 - 06/19/98 & #739: 06/22/98 - 07/01/98
4. **Petition #46-98** - Policy of the Clark County District Board of Health for the Selection of Its At-Large Physician Member
5. **Petition #47-98** - Draft of the Proposed Update Policy and Procedures for the Addiction Treatment Clinic 1997 Yearly Report
6. **Petition #48-98** - Approval of the Official Inventory of the Required Equipment for Supplies to be Carried on Ambulances for Fire Fighting Agency Vehicles as Recommended by the Medical Advisory Board
7. **Petition #49-98** - Cooperative Agreement with Clark County for Geographic Information Services. This Agreement Will Enable the District to Depict the Location of Land Parcels In Order to Quickly Provide District Services to the Appropriate Areas

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

1. **Memorandum #9-98** - Pubic Hearing on Approval or Denial of a Lateral Expansion for Cell #M5 of the Laughlin, Nevada Municipal Landfill. Republic Disposal Urban Maintenance Disposal Company (DUMPCo) on behalf of the Clark County Department of Public Works Has Made Application for a Permit to Construct and Operate a Lateral Expansion at the Laughlin, Nevada Municipal Landfill as required by Clark County Health District Solid Waste Management Regulations

Clare Schmutz explained that the application was submitted for a permit for a lateral expansion of Cell #M5 of the Laughlin, Nevada Municipal Landfill. The property is a 40-acre municipal landfill owned by the Bureau of Land Management and leased by Clark County Department of Public Works and operated by DUMPCo.

The landfill has been in operation since 1986, and the operator, DUMPCo is seeking approval to place waste in the final cell within the 40-acre parcel of land. The life expectancy of the cell is to the year 2019.

A notice of intent to issue or deny the issuance of a permit, notice of the public hearing, notice of a workshop and 30-day general public comment period were published on June 17 and 24, 1998 in a newspaper of general circulation for the area in which the landfill site is located. A public workshop was held in Laughlin on June 23rd, which 12 residents attended. The 30-day general public comment period ended on July 17, 1998. To date Staff has not received any written comment.

Ed Wojcik commented that in conducting the workshop on June 23rd Staff appreciated the

cooperation received from the Laughlin Government Center. The 12 residents in attendance represented the Laughlin Town Board and other interested citizens as well as the news media. The approval process, requirements, and time lines for gaining approval for the lateral expansion were discussed. Also, a presentation was given on the current operation of the landfill and plans for the future. Clark County Health District Staff gave a presentation describing the design of the landfill lateral expansion and how it met the regulatory requirements. There were some questions pertaining to the drainage, paved access, concerns of odor and maintenance of daily coverage.

Chairman Colquitt opened the public hearing.

Member Cyphers asked if a waiver for ground water monitoring was included in the application. Also, if there is a leachate detection and liner system?

Ed Wojcik stated that the waiver was granted earlier through concurrence with the Nevada Division of Environmental Protection. The current design and the lateral expansion both include a 60 mil liner and a leachate collection system.

Chairman Colquitt asked if any member of the public wished to speak. There being no response, she closed the public hearing.

*Member Cyphers **moved for approval** of a Lateral Expansion at the Laughlin, Nevada Municipal Landfill. Motion was **seconded** by Member Crowley and carried unanimously.*

III. REPORT/DISCUSSION/POSSIBLE ACTION:

- 1. Memorandum #10-98** - Update on the Status of the Proposed Resolution Dealing with Methyl Tertiary Butyl Ether (MTBE) in Gasoline

Chairman Colquitt asked that since a public hearing would be held on this item, that the Board limit discussion unless new information was available.

Michael Naylor briefly reviewed that at the June meeting the Board scheduled a public hearing for August 27, 1998 on the proposed resolution dealing with the use of the oxygenate MTBE. A public notice was published that asked for comments or suggestions on that resolution to be received by July 10, 1998. A total of 9 letters have been received. The responses include: TOSCO, Tom Dunlap, ARCO, Jeanie Tabek, WSPA, Nevada Department of Environmental Protection (NDEP), Southern Nevada Water Authority (SNWA), and Regent International. In the case of the SNWA letter, a distinction is made between the shallow and deep aquifer, which could be incorporated into the resolution. Regent International is suggesting that a "whereas" statement might be misleading. The specific "whereas" statement speaks to other kinds of oxygenated gasoline and Staff is recommending that it be dropped entirely. Also, Regent International recommended a "therefore" statement that is more strictly worded than proposed initially. Based on the comments received an alternative resolution was proposed. Staff is suggesting that another notice be published in order to allow public comment on both resolutions. This would allow the public 30-day notice on the re-notice.

Member Smith expressed concern that in reviewing *Version B* of the proposed resolution. The final whereas statement in *Version B* is asking that the State Environmental Commission review "any potential air benefits". The State Environmental Commission does not have jurisdiction over the air and therefore should not be included in the proposed resolution. The Health District is concerned with potential air benefits as the jurisdiction of the Board of Health includes the air.

*After brief discussion, Member Smith **moved to approve Version B** of the proposed resolution with the*

*stipulation of removing the phrase "any potential air benefits" to be published for public comment. The motion was **seconded** by Member Kenny and carried unanimously.*

2. Presentation by Todd Croft, of the Nevada Division of Environmental Protection on the Groundwater Remediation Project on Alta Drive Involving Gasoline Leak with MTBE

Michael Naylor explained that Mr. Croft will discuss an underground gasoline plume close to an active Las Vegas Valley Water District well field.

Todd Croft, representing the Nevada Division of Environmental Protection (NDEP), stated his responsibility with the Division includes leaking underground storage tanks (UST), and working with the responsible parties/owners and authorities to determine the most effective technologies for remediation. The focus of the Division is to reduce the risk to public health and to clean up the pollutants from the USTs.

Mr. Croft gave a slide presentation and described the status of the groundwater remediation project at the gasoline station on the northwest corner of Valley View and Alta. Evidence of a leaking underground storage tank was first observed in 1995. Eventually, the contaminated groundwater plume was characterized and a liquid and vapor collection system were installed at the site of the gasoline station. New tanks were installed and the leak is no longer occurring. However, the surface groundwater (less than 30 feet deep) contains several thousand parts per billion of MTBE. Contaminated surface groundwater has been detected as far as 50 feet east of the intersection. The NDEP is concerned about the proximity of "well 82," which is a major Las Vegas Water District production well for water from the deep aquifer (about 300 feet deep). The well is about 400 feet east of the intersection. Monitoring wells closer to the "Well 82" show no evidence of MTBE.

Furthermore, the casing protecting the well and the presence of grouted horizontal trench about 30 feet deep, parallel to Valley View (about midway between Valley View and "Well 82") make the risk of introduction of contaminated groundwater into the deep aquifer very unlikely. The remediation site should intercept the contaminated groundwater and filter it through water and air pollution equipment. The NDEP is continuing to monitor the site and to look for ways to ensure reduced risk to the public.

The Board Members thanked Mr. Croft for a very easy to follow presentation on a difficult subject.

IV. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick distributed to the Board Members a copy of the 1997 Annual Report and commended the Health Education Staff on its production.

He introduced Gary Carlson, Architect, and briefly explained to the Board renovations scheduled to increase the size of the Clemens Room to expand seating to approximately 100 individuals.

Gary Carlson reviewed the drawn plans of expanding the Clemens Room. The Clemens Room will be extended into the lobby area connecting it to the Rotunda; a new entrance will be constructed; the Board will be seated in the new area, public seating area will be facing south. Two accordion sound proof walls will allow flexibility in using the room as 3 separate rooms or as one large room to accommodate larger groups.

Member Kenny suggested that Staff investigate televising meetings to the public.

Dr. Kwalick commented that he; Ian Ross, Board Legal Counsel and Diane Lewis, RN, Tuberculosis Control Coordinator, had met with Judge Mryon Leavitt to develop a system under which a non compliant Tuberculosis (TB) patient who is irresponsible and not taking medication properly would be

detained and properly medicated for a period until deemed to be adequate treatment. The non compliant patient could be confined in a negative pressure room at the Clark County Jail. Generally, of 100 District TB cases annually, only 1 or 2 are non compliant. However, those 1 or 2 cases can be very detrimental to the community at large. The judge was receptive. Cases will be heard by the Chief Judge and Staff is anticipating that this process will be set up in the next few weeks.

He apprized the Board Members on the rain damage that occurred Monday, July 20, 1998 due to flooding in the front of the main building. Electrical connections were wet and Staff could not function in some areas, and therefore sent home. Repairs to the roof occurred Monday afternoon. The following day the District was up and running. The reroofing/remodeling completion target date for the main building and the East Valley Clinic/Sunrise Center is the end of August 1998.

Environmental Health - Overview of Environmental Health Division with Focus on Integrated Waste Management - Mr. Schmutz, et al

Clare Schmutz, Director of Environmental Health commended Staff for their hard work on the presentation. He stated that the mission of the Environmental Health Division is to regulate and educate the community for the promotion of a healthy and safe environment for Clark County residents and tourists. He briefly reviewed the various Environmental Health Programs with the Board Members. **(Attachment "A")**

Ed Wojcik, Environmental Health Engineer Manager, gave an overview of the Health District's role in Integrated Waste Management in Clark County **(Attachment "A")**. He thanked the Solid Waste Management Team Staff, Hope Arrington and Rocky Gerzel for their contributions in producing the presentation.

The Board thanked the Environmental Health staff for the presentation.

Air Pollution Control - Letter from the U.S. Environmental Protection Agency (EPA) RE: Mid-year Evaluation of the Clean Air Act Section 105 Air Program

Mr. Michael Naylor discussed that in the summer of 1996 the Health District received a performance evaluation for the Air Pollution Control Division (APCD) from the US EPA. The evaluation had mostly positive results. However, there were some shortcomings that pertained to the permitting and enforcement program. The EPA recommended a number of corrective action steps. The District APCD immediately implemented all of the corrective steps. Since then the EPA, has visited and monitored the division several times to see how the District is progressing on those corrective actions. The most recent visit was in the Spring of this year. Also, the APCD submitted to the EPA the semiannual progress report on APCD grant objectives. He presented to the Board a letter dated June 29, 1998 from the US EPA FY-98 indicating that the District had met all of the mid point FY 98 Clean Air Act Section 105 Air Program Grant work plan requirements **(Attachment "B")**. The EPA thanked the District for the timely submittal. Staff is attempting to stay on track and appreciates the open line of communication with EPA.

He added that a new problem with ozone is emerging in the Las Vegas Valley this summer. The APCD staff has measured a number exceedances of the new 8-hour Ozone standard. The standard was not in effect in the summer of 1997. It was promulgated in September 1997 by the US EPA and sets a lower numerical threshold than the old one hour standard (80 ppb vs. 120 ppb). The Las Vegas Valley was in compliance with the old standard for over a decade, but it appears that the Valley will not be in compliance with the new standard. Year to date, the new station at Palo Verde High School had 8 days of exceedance of the 8-hour standard for ozone; the Lone Mountain site 6 days; Spring Valley site 4 days, and the background site in Jean, Nevada 3 days. The winds generally come in from the south and therefore chemicals involved in the production of ozone are being transported into the Las Vegas

Valley from southern California, Arizona or southern Clark County.

Based upon the data from the above stations it is likely that the Valley will be designated by EPA as a non attainment area for ozone. The official designation would not occur until the year 2000. It is estimated that approximately two-thirds of the US will be considered in non attainment for Ozone. Half the country was already in non attainment for the old standard. Increasing efforts to solve the ozone problem locally may be fruitless as the background is already high. Therefore, only so much can be done at a local level. Apparently, the problem of ozone and precursors originating in one state and transported to another occurs throughout the northeastern parts of the US. Multi-state strategies have been developed in those areas to cope with the problem. Staff is researching possible contributing sources and correlation of high temperatures. Staff will keep the Board Members apprized.

The Board Members discussed coordination of efforts of the various entities to help and educate small business in dealing with the Clean Air Act and regulatory agencies. The Board directed Staff to prepare information regarding small business education for inclusion on the August Board of Health agenda.

V. CITIZENS PARTICIPATION

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

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

1. Robert Hall, AKA, Nevada Environmental Coalition read a letter pertaining to the financial affairs of the Health District, particularly the Air Pollution Control Division, and asked that it be entered into the record. Copies were distributed to Board Members. **(Attachment "C")**
2. Michael Johnson, representing the Southern Nevada Water Authority, requested that their letter pertaining to Memorandum #10-98, Resolution on the use of MTBE, be included in the revisions to help define the shallow aquifer system which is non potable. The well closest to the containment site has been sufficiently protected; and it produces from the deeper potable zone. All of the drinking water is extracted from the deeper zone and is relatively safe from contamination.
3. Kenny Young, representing Strategic Solutions commented that the cost of remediation on the site on Alta Drive mentioned by Todd Croft, of NDEP, regarding the MTBE contamination to date is approximately \$560,000. Since this is the cost for only one site it is important that the Board look at the cost benefit analysis when bringing materials such as MTBE into the County. He also submitted for the record an article out of the Orange County Register regarding MTBE and the use of MTBE. **(Attachment "D")**
4. John Powers, citizen, expressed concern on the increase of fees for patients in the Addiction Treatment Clinic that the Board had approved at the June 25, 1998 meeting. He explained that he had been involved in drug abuse issues for over 20 years. Though raising of the fees was well intentioned from a fiscal point of view, however the higher the fees go for the addiction treatment center the more people are shut out from treatment. The fifteen dollar a month increase on the initial end will come back in the long run in the forms of costly infections or diseases such as AIDS. Every addicted person who joins a methadone program is potentially one less person spreading AIDS, Hepatitis and other infections. Poor patients are perhaps the most alienated from society and the most in need of treatment. Those who are not turned away by high fees begin to develop a working relationship with a social institution and a social structure. This could be a major step forward for alienated young and indigent people. He requested that the Board of Health revisit the issue of increase of fees for the Addiction Treatment Clinic. These individuals are taking a major

step toward changing their lives by entering the treatment clinic, but if they are shut out by fees it is a major blow to their rehabilitation.

He commended the Addiction Treatment Clinic Program and Staff for their efforts over the years and added that the program should be open to as many people as possible. He urged the Board to consider instigating a sliding fee scale on an ability to pay basis, especially for the initial months of treatment.

5. Rick Neilson, representing Citizen Alert, expressed concern that there are approximately 180 active contaminated groundwater remediation sites in the Valley. Presently, sixty percent of those contain some level of MTBE within the range of 1,000 micrograms per liter which is not problematic. However, if there were approximately a dozen other sites at higher levels costing approximately \$500,000 each for remediation the total costs would increase markedly.

Also, he expressed concern that perhaps Mr. Croft was trying to imply that because the shallow non potable water source was being contaminated and not reaching the potable ground water that this was alright. He recommended that the Board of Health not allow any increase in levels of MTBE being used in the Las Vegas Valley.

VI. INFORMATIONAL ITEMS

DULY NOTED

1. Financial Data
2. Listing of Food Establishments in Plan Review for the Period of 06/01/98 to 06/30/98 Environmental Health Division
3. Air Pollution Control Monthly Report (Air Quality, Enforcement Activity and Permitting) June 1998
4. Air Pollution Control Hearing Officer Annotated Agenda 06/18/98 & 07/02/98
5. Air Pollution Control Particulate Matter (PM10/ PM 2.5) Emission Control Research Advisory Committee Minutes, 06/12/98
6. Letter from Steward Archibald & Barney to the Las Vegas Review Journal RE: Clarification of Article Entitled "Missing Special Air Quality Audit Report Found in Computer" by Keith Rogers, Reporter
7. Congratulatory Letters RE: The Samuel J. Crumbine Consumer Protection Award
8. Staff Recognition

VII. ADJOURNMENT

There being no further business to come before the Chairman Colquitt adjourned the meeting at 9:55 a.m.

SUBMITTED FOR BOARD APPROVAL

Donald S. Kwalick, MD, MPH, Chief Health Officer
Executive Secretary

/mlg