



Mission: To protect and promote the health, the environment and the well-being of Clark County residents and visitors.

MINUTES

Clark County District Board of Health
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, April 22, 1999

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
Paula Brown
Jim Christensen, MD
Susan Crowley
Amanda Cyphers
Robert Ferraro
Paul Henderson
Mary Kincaid
Erin Kenny
Gary Reese
Stephanie Smith

Chairman, Las Vegas
Vice-Chair, North Las Vegas
Physician Member At-Large
Appointee, Henderson
Councilman, Henderson
Mayor, Boulder City
Councilman, Mesquite
Commissioner, Clark County
Commissioner, Clark County
Councilman, Las Vegas
Councilwoman, North Las Vegas

Absent:

Donalene Ravitch, RN
Alice Fessenden

Secretary, Appointee, Appointee, Boulder City
Councilwoman, Mesquite

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; Glenn Savage; Mason McNinch; Mary Hahn; Eugene Ingalise; Ron Smolinski; Robert Yager; Lorraine Forston; Jeanne Palmer; Jennifer Sizemore; George Bertoty; Jacquelyn Raiche-Curl; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Bryan Shepherd	Specialty Builders
Ted Johnson	Detan Builders
Don Frazee	Host Marriott
Betty Fisher	Host Marriott
Chuck Morgan	Mobil Oil
Terry Murphy	Strategic Solutions
Leslie Long	City of North Las Vegas
Lori and Erin Wohletz	City of Las Vegas
Alan J. Gaddy	Republic Silver State Disposal Service
Kenny Young	Strategic Solutions
Mary Shope	Self
Russell Roberts	Clark County Comprehensive Planning
Clete Kus	Clark County Comprehensive Planning
Gary M. Gillihen	Flamingo Hilton
Teyi Tongersen	Flamingo Hilton
Dennis Schwehr	Nevada Power Company
James Chavez	Nevada Power Company
Shimi Mathew	Kerr McGee Chemical
Art Melkessetian	State of Nevada Agriculture Division
Art Nadler	Las Vegas Sun
Chuck LeTavec	ARCO Products Company
Jack Greco	Nevada Gas Retailers/Greco's ARCO
Steven D. Smith	TOSCO Corporation
Carl Bailey	Rebel Oil Co.
Gina Grey	Western States Petroleum Association
Andrea Banks	AirCare
Joel Hingada	COSTCO Wholesale #35
Mark Cowley	COSTCO Wholesale #35
Blake Bean	Department of Aviation
Scott Kichline	Department of Aviation
Mike Justice	Justice & Associates (So. NV Concrete & Aggregate Association)
Joe W. Brown	Jones Vargas (Western States Petroleum Association)

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.

Chairman Colquitt asked if any of the Board Members wished to discuss any of the items on the consent agenda. There was no response

Concerning **Item #5**, Chairman Colquitt appointed Board Members: Christensen, Smith to assist her as a committee to review appointment of additional hearing officers for the Air Pollution Control Hearing Board.

She opened the public hearing on **Item #9** and asked if any member of the public wished to speak. There was no response. Chairman Colquitt closed the public hearing on Item #9.

Member Reese moved for approval of the following Consent Agenda. Member Kincaid seconded the motion which carried unanimously:

1. **Minutes/Board of Health Meeting** - 03/25/99
2. **Payroll/Overtime** for Periods of: 02/06/99-02/19/99; 02/20/99-03/05/99 & 03/06/99-03/19/99
3. **Accounts Payable Register** - **#755**: 02/22/99 - 03/04/99 & **#756**: 03/05/99 - 03/19/99
4. **Petition #21-99** - Reappointment to Air Pollution Control Hearing Board: Expiration Member Greco's Term
5. **Petition #22-99** - Request for Appointment of Additional Hearing Officers
6. **Petition #23-99** - Approval of New Classifications for the Epidemiology Series Positions: Epidemiologist I/II and Epidemiologist Supervisor
7. **Petition #24-99** - Approval of the Proposed Reclassification of Position #903001 from Epidemiologist Schedule 26 to Epidemiologist Manager Schedule 27. Approval of a new Classification Specification for Epidemiologist Manager.
8. **Petition #25-99** - Permission to Solicit Bids for Influenza Vaccine
9. **PUBLIC HEARING** *Upon request of any person any public hearing item shall be removed from this consent agenda and placed on the regular agenda for public hearing.*
 - a. **Variance Request** - To Construct an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by a Public Water System. **Petitioner**: Bryan Shepherd on Behalf of Dale Jaquez
 - b. **Variance Request** - To Construct an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by a Public Water System. **Petitioner**: Ted Johnston on Behalf of Robert Wenman
 - c. **Variance Request** - To Permit the Construction of a Public Swimming Facility in Conflict with the Nevada Administrative Code (NAC) Chapter 444. Public Bathing Places. **Petitioner**: Hard Rock Hotel & Casino/Adam Titus

II. **PUBLIC HEARING/ACTION (Approximately 8:15 A.M.)**

1. **Memorandum #05-99** - Public Hearing to Amend the Clark County Health District Regulations Governing the Sanitation of Food Establishments

Chairman Colquitt opened the public hearing.

Clare Schmutz explained that public notices had been published in the local newspapers for several workshops which were well attended. Two workshops had been held in the Clemens Room on March 31st. On April 7, 1999, a workshop was held in Laughlin and on April 8, 1999 a workshop was held in Mesquite. All recommendations and suggestions from the workshops were considered and incorporated into the amendments as determined by staff. Health District staff had met with the Restaurant Association (RA) and there were no objections to the proposed changes in the

regulations. Staff believed that the proposed amendments included the latest technology in the food service industry and would benefit the needs of the community.

Mary Hahn, Senior Environmental Health Specialist commented that one major concern of the current regulations was the nature of the 100 feet restroom requirement for employee restrooms. However, with the adoption of new building codes and stricter enforcement of the American Disability Act, Environmental Health staff had to revisit the 100 ft. requirement. As a result, it was agreed upon at the workshops that a new definition for "conveniently located" meaning "in the same building or on the same floor within 200 feet traveling distance, unless otherwise approved by the Chief Health Officer or his designee" was incorporated into the regulations.

Brief discussion followed by the Board Members and staff concerning present establishments meeting the distance criteria of 200 feet. Staff commented that normally the regulations state that the establishment would have to come up to code for the National Sanitation Foundation (NSF) standards and the restroom requirement is not an NSF standard. Therefore, staff did not feel that this would be an issue and would be reviewed on a case by case basis.

Mary Hahn explained another proposed change in the regulations included proper storage of convenience foods, prepared fruits and vegetables found in many of the local supermarkets, such as prepackaged salads. Also incorporated into the regulations was that the "removal of the grade card by individuals other than the Health Authority could result in suspension of the Health Permit". Prior to the suspension of a permit because of removal of a grade card the facility would go through due process of Administrative hearings.

Chairman Colquitt closed the public hearing.

Member Kenny moved to approve Memorandum #05-99, amendments to the Clark County Health District Regulations Governing the Sanitation of Food Establishments. Motion was seconded by Member Reese and carried unanimously.

2. Memorandum #06-99 - Continuation of Public Hearing to Consider Proposed Section 54, Cleaner Burning Gasoline (CBG) Wintertime Program, of the Air Pollution Control Regulations

Chairman Colquitt reopened the public hearing on proposed amendments to Section 54, Cleaner Burning Gasoline.

Michael Naylor stated that the purpose of the proposed regulation changes is to reduce carbon monoxide (CO). Approval of the suggested changes will help assure attainment of the federal and local 8-hour CO standard of 9 parts per million (ppm) by the year 2000. Several public workshops have been held to address industry concerns. At the March 25, 1999 public hearing nine letters were received addressing some suggested changes to the regulations. Consequently, suggested changes have been prepared to address comments from EPA which deal with enforceability, and Rebel Oil, which covers racing fuel. Also, the proposed amendments clarify requirements for producers, importers, terminals, pipelines, truckers, rail carriers and retailers to provide documentation and maintain records certifying the compliance of fuel sold in Clark County for the winter period of November 1, through March 31. A suggested alternative formulation for racing fuel will assure that it meets the same performance objectives as the proposed cleaner burning gasoline (CBG). As a result of additional comments that have been received in the last few days, Staff has made some additional changes to the proposed regulations which conform to the concerns of TOSCO on behalf of the Western States Petroleum Association.

The potential revision that Chevron is focusing on pertaining to the shipping of gasoline is not a concern as far as this upcoming season. However, it may be an issue for the next season (2000 -

2001). Our concern with the California performance model (advocated by Chevron) is that it is based on reducing organic compounds and oxide nitrogen levels, and is not really designed to meet the Clark County specifications. The reason for that is that the Arizona Winter rules go into effect in November 2000 and some of these companies are requesting flexibility so that they could ship the same product to Clark County. This issue will be studied with EPA and Staff over this next year.

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

Jack Greco, representing Nevada Gasoline Retailers, stated that a small technical correction in the formula for Section 54 (54.1.39c) It should read as follows: (*Gasoline with an octane rating of 98 or greater **(R+M2)** instead of ~~(R+M)~~ also known as "Racing Fuel".*) Staff concurred with the correction.

Russell Roberts, representing Clark County Comprehensive Planning, emphasized the importance of the regulations toward successfully addressing the current monoxide problem in the Las Vegas Valley. In order to address the problem the pollutants released by cars a three-fold approach is needed: 1) to manufacture "clean" cars, 2) to insure that cars remain clean a emissions testing program (improvements to cleaner fuels), 3) to use cleaner fuels. The program in place in the Valley still has some utility and is ongoing. It takes about 5 years to bring a program on line. One of the benefits of the CBG proposal is that it can be brought on line fairly quickly. As a result, the community will begin to experience emissions reduction associated with the program in the near term. The proposed regulations are aimed at ensuring cleaner burning gasoline for the Las Vegas Valley.

Andrea Banks, representing Air Care, expressed concern for the need for the voice of the people to be considered by the petroleum industry. She said the petroleum companies are only interested in the financial aspect. Many of the health problems are largely due to these companies. The air is a finite resource, it circulates around; therefore there is a need to be pro-active about cleaning up the air. She asked the Board Members to put forward the maximum of proposals to improve the air.

Mike Ingham, of Chevron Oil Company, commented that the recipe for the gasoline being prescribed in the regulation is that it embodies part of the recipe that's called for California. In November 2000 Chevron foresees a problem in that Phoenix has adopted the full California recipe. Since Phoenix and Las Vegas are supplied from the same pipeline system the concern is having to supply and keep segregated different products for the two cities. On behalf of Chevron he asked that their company be allowed to figure out a way to be able to supply the full California recipe in November 2000.

Brief discussion followed by the Board and staff concerning the makeup of the California gasoline, the difference in weather conditions compared to Los Angeles and Phoenix. Also, the petroleum industry was indicating that it would be less expensive to bring the California recipe to Clark County because of the one pipeline even though it may not necessarily be the best for the Las Vegas Valley.

Ian Ross, Board Legal Counsel, explained that Chevron's request could not be entertained as they were asking for consideration a year in advance. The regulations will be revisited as a normal ongoing process next year.

Chuck LeTavec, representing ARCO Products Company, explained that ARCO is a west coast refiner and marketer of gasoline, jet and diesel fuels with a long history of supporting the development in commercialization of current fuels. He thanked Health District and Clark County Comprehensive Planning staff for working with ARCO. Additionally, ARCO was in complete support of the regulations and encouraged the Board to pass the regulations.

Steve Smith, of TOSCO Corporation on behalf of the Western States Petroleum Association (WSPA) thanked Staff for responding quickly to their concerns which were included in the proposed regulations. He encouraged the Board to adopt the regulations.

Chuck Morgan, representing Mobil Oil, expressed appreciation for staff's support and the Board for listening to the arguments during this process. He explained that the Board Members should be proud of the regulations as it was a much more cost effective regulation that was adopted by Arizona. So if any changes are to be made, perhaps Arizona needs to change theirs.

Chairman Colquitt asked if any one else wished to be heard. There being no response, she closed the public hearing and thanked staff and the industry.

*Member Reese moved to approve, Memorandum #06-99 with all the changes and conditions recommended by staff. This included the addendum to Memorandum #06-99 as Attachment II and the technical correction in the formula for Section 54 (54.1.39c) It should read as follows: (Gasoline with an octane rating of 98 or greater **(R+M2)** instead of ~~(R+M)~~ also known as "Racing Fuel"). The motion was seconded by Member Smith and carried unanimously.*

3. Memorandum #07-99 - Public Hearing to Consider Proposed Changes to Section 14 (New Source Performance Standards), Section 43 (Odors in the Ambient Air) and Section 52 (Gasoline Dispensing Facilities) of the Air Pollution Control Regulations

Mike Sword explained that Memorandum #07-99 has three proposals related to the Air Pollution Control regulations: 1) Section 14, with changes in scheduling, protocols and source testing. 2) Section 43 changes deal with odors. 3) Section 52, deals with Gasoline Dispensing Facilities.

In the last week industry has raised some significant objections to parts of Section 14. Staff recommended tabling Section 14 for approximately two months in order to hold workshops and reach consensus with the industry on some of the issues. Additionally, on Section 43, several items need additional work. Staff recommended that Section 43 be withdrawn from the public hearing process. Lastly, staff felt that there was consensus with the industry on Section 52 and recommended that the Board adopt these changes as presented.

Chairman Colquitt opened the public hearing and asked if any member of the public wished to speak on Section 14.

Jim Steiner, of Steiner Environmental, expressed concern about the source test plans, possible expansion of the 30-day notification period for source testing to 60 days and including some flexibility in the scheduling process.

Expressions to hold comments on Section 14 for the workshop process and continued public hearing were made by Mike Justice of Justice and Associates; Dennis Schwehr, Nevada Power; Shimi Mathew, Kerr McGee Chemical; and Alan Gaddy, Republic Silver State.

Chairman Colquitt asked if any one wished to speak on Section 43 which Staff was recommending to withdraw from the public hearing process. There was no response.

Chairman Colquitt asked if any one wished to speak on Section 52 which staff was recommending adoption. There was no response.

Member Reese moved to continue public hearing process open for Section 14 for an additional 60 days, withdraw Section 43 and approval of Section 52. Motion was seconded by Member Kincaid and carried unanimously.

III. REPORT/DISCUSSION/ACTION

1. Report From Health Officer Annual Evaluation Committee: Board Action(s) on Recommendations Per Employment Agreement

Member Ferraro commented that the committee met and agreed to maintain Dr. Kwalick in the position of Chief Health Officer. Dr. Kwalick is doing an excellent job. Also, the committee agreed to provide Dr. Kwalick with a 5% merit raise and an additional year extension of the contract.

Member Ferraro moved to approve the recommendations of the committee. Motion was seconded by Member Christensen and carried unanimously.

IV. HEALTH OFFICER & STAFF REPORTS

1. Dr. Kwalick, Chief Health Officer

Dr. Kwalick showed the Board Members a brief television commercial entitled "We're as close as your backyard" which covers services offered by three of the Health District's four divisions as well as the expansion of facilities. This will be airing on the local television stations for approximately 2 weeks.

The Health District has been doing Tuberculin (TB) skin tests for years as part of the Foodhandler program. This has been unproductive, expensive and staff is looking at stopping routine testing for TB in foodhandlers. Staff will ask applicants if they are at high risk or if they have any symptoms or signs of TB. If so, the TB skin test will be performed and the client/applicant will have to come back to have it read. If the client/applicant does not come back they will not get their health card. The District will continue to provide skin tests for school teachers, tattoo parlor workers and day care and adult care workers.

At the same time there has been an increase in Hepatitis A over the years. Staff is developing a Hepatitis A Immunization Program plan which will be a more efficient operation health wise. Currently, approximately 150,000 people come in annually either to renew or to get their initial health card. Staff will also be recommending revision of the renewal process for health cards to a \$30.00 for a three-year period rather than the current \$10.00 for two years. District staff is anticipating bringing a plan to the next Board meeting.

2. David Rowles, Administrative Services Director

David Rowles briefly updated Board Members on the status of contract developments with the University of Nevada Las Vegas to provide video-taping of Board meetings. Staff is almost at the conclusion of that process and will continue fine tuning several details before scheduling the finished agreement for Board action.

Regarding Health Cards, in the month of March we issued approximately 12,000 cards. In this regard, the District provides a substantial amount of preventive community health education, counseling and testing. Hepatitis A program initiatives currently under review could help provide even greater measures of public health in the community as a replacement for the TB Skin Test.

The North Las Vegas Public Health Center site selection has been narrowed to two sites. Staff continues to review draft lease agreements to make sure that all the details are favorable. East Las Vegas Clinic numbers for Health Cards and Vital Records continues to climb since opening in November. Staff anticipates development of the North Las Vegas Public Health Center site as well as perhaps a similar expansion in Henderson. Fiscally, the District is progressing and Staff is anticipating legislative consideration of restoration of Aid-to-County funds.

3. Fran Courtney, RN, Director, Clinics and Nursing

Fran Courtney, RN, said that the Fluoridation Bill, AB284 is still in the Senate Subcommittee. Staff is waiting to determine if enough support has been generated to move it out of the subcommittee. Staff is involved in educating legislators on the public health importance of fluoride. Interested individuals are encouraged to call or email their legislators.

4. Clare Schmutz, Environmental Health Director

Clare Schmutz gave the Board a brief review of the Small Quantity Generators (SQG) program. The Health District has had a contract with the Nevada Division of Environmental Protection (NDEP) for the SQG program. District Staff has been informed that NDEP will cut back on allocated funds from \$100,000 to \$75,000 in October, 1999 even though the original amount that NDEP receives from the EPA has not changed. The NDEP is also cutting back on the funds that Washoe County receives. Approximately 1,049 inspections were performed from October 1997 to July 1998. To date staff has inspected 783 generators. We anticipate curtailing unnecessary activities accordingly.

The Underground Storage Tank (UST) program ended in December 1998; however, there are still approximately 26 facilities that are not in compliance with the State regulations. District staff has met with NDEP staff regarding these facilities, and NDEP has encouraged the District to work with the owners to gain compliance. If District staff is unable to do so over a period of time, they will be referred to NDEP for enforcement. During the 10 years the UST Program has been administered by the District, 2,435 tanks have been closed and removed from approximately 600 facilities. Presently, there are 2,980 tanks in service at 741 facilities. The UST Program will continue to be funded at the current rate for the next several years.

a. Glenn Savage, Environmental Health Supervisor

Glenn Savage briefly reviewed the outcome of his attendance at a NDEP Solid Waste Branch public hearing April 16, 1999, on Western Elite in Lincoln County. Glenn stated that he had been asked to assist David Emme, State Waste Management Section of the NDEP, in addressing concerns as the vast majority of the construction demolition waste being generated here in Clark County is being transported to Western Elite in Lincoln County. Part of our concern is that much of the materials being accepted at Western Elite cannot be properly mulched or composted and should be sent an approved landfill. At the conclusion of the public hearing Western Elite was ordered to work with the state to update and amend their permits, to cease and desist from bringing in any more waste materials on site. Their permit currently only allows 15,000 cubic yards of materials and they have approximately 200,000 onsite. District staff will continue to work with the state to evaluate whether local construction and demolition waste materials are ending up at the Western Elite site.

5. Michael Naylor, Air Pollution Control Director

Michael Naylor remarked that to date this year there had been no exceedances of the carbon monoxide or ozone air quality standards. However, there have been 17 exceedance episodes for the PM10 standard, with 10 occurring in March. In reference to pollens, Mulberry has been at peak levels for the last several weeks and the valley is now entering into the Olive season.

Member Ferraro briefly discussed the emissions from Nevada Paving in Henderson. Michael Naylor commented that APC staff is looking into the feasibility of purchasing a camera that will periodically take pictures of the facilities. Generally speaking, notices of violation are given to these facilities based on enforcement officers' personal testimony, with photographs used to corroborate the testimony.

V. CITIZEN PARTICIPATION

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

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

Mary Shope, Boulder City resident, thanked the Board Members and Staff as she was one of the recipients of the Health District Hero Award. Also, she thanked the Board Members for personally taking the time to participate on the Board of Health and staying to the end to hear citizen concerns.

In July, 1998, Boulder City Council voted to prohibit or basically control the solid waste flow within their community. No out-of-town dumping of solid waste is accepted or allowed. This creates a problem in terms of where is the waste going. She suggested that Environmental Health and Air Pollution Control staff should investigate the possibility of the waste being transported to the Pahrump area. She briefly shared a tape about the Boulder City Landfill and surrounding areas, and suggested that staff make an unannounced visit to the landfill to ensure that the area in Boulder City is still protected.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Financial Data
2. Listing of Food Establishments in Plan Review for the Period of 03/01/99 to 03/31/99 Environmental Health Division
3. Emergency Medical Services Advisory Board Annotated Agenda & Minutes
4. Air Pollution Control Monthly Report, March 1999 (Air Quality, Enforcement Activity and Permitting, Source Compliance, and Regulation Development and Dialogue with Southern Nevada Strategic Planning Authority)
5. Air Pollution Control Hearing Board Minutes & Annotated Agenda & Hearing Officer Annotated Agenda
6. Air Pollution Control Particulate Matter (PM10) Minutes
7. Letter from Senator Majority Leader, William Raggio Regarding Allocation of Local Health Dollars
8. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being further business to come before the Board, Chairman Colquitt adjourned the meeting at 9:30 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/mlg