



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

MINUTES

CLARK COUNTY HEALTH DISTRICT DISTRICT BOARD OF HEALTH MEETING

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room

Thursday, February 22, 2001 - 8:00 A.M.

Chairman Brown called the meeting of the District Board of Health to order at 8:05 a.m. and the Pledge of Allegiance was held. She noted that she had been provided with the Affidavits of Posting and Mailing of Agenda meeting notices, as required by Nevada's Open Meeting Law. The Affidavits will be incorporated into the Official Minutes.

Board Members

Present:

Paula Brown	Chairman, North Las Vegas
Susan Crowley	Vice-Chairman, Henderson
Sherry Colquitt, RN	Appointee, Las Vegas
Amanda Cyphers	Councilwoman, Henderson
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Erin Kenny	Commissioner, Clark County
Chip Maxfield	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Jim Christensen, MD	Secretary/Physician Member At-Large
Alice Fessenden	Appointee, Mesquite

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

Staff: David Rowles; Clare Schmutz; Fran Courtney, RN; Christine Robinson; Ed Wojcik; Mike Sword; Karl Munninger; Angus MacEachern; Jane Shunney, RN; Rose Bell, PhD; Linda Kern; Connie Dayton; Steve Goode; Mary Hahn; Daniel Maxson; Philippa Pointon; Lewis Wallenmeyer; David Hoch; Ron Smolinski; Al Leskys; Mason McNinch; Art Bashor; Judy Hartwell; Peggy Hensley; Rick Reich; Kathleen

P. O. Box 3902 – Las Vegas, Nevada 89127 – (702) 385-1291 – www.cchd.org

Boutin; Jeanne Palmer; Maria Azzarelli; Jennifer Sizemore; Lynda Zielinski; Leo Vega; Forrest Hasselbauer; Recording Secretaries, Diana Lindquist and Montana Garcia

ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Jack Greco	Air Quality Hearing Board and Self
Jeremy A. Aguero	Applien Analysis
Teri McGuinness	City of North Las Vegas
Patrick Smith	City of Las Vegas
Lori Wohletz	City of Las Vegas
Jon J. Howard	Clark County School District
Billy S. Key	Clark County School District
Jeffrey Gremore	Distinctive General Contracting
Chuck Hall	James Hardie Gypsum
Richard Snyder	James Hardie Gypsum
Mr. & Mrs. Jack Bisceglia	Hot Diggity Dog
Keith Rogers	Las Vegas Review Journal
James Sohns	Nevada Car Owners Association
Marie Hutton	Nevada Car Owners Association
Francine Scolaro	New York Sabrett Commissary
Thomas M. Beatty	NSEU, SEIU, Local 1107
Sydney Houseal	Self
Ted Mendalski	Self
Dick Serdoz	Self
Alberto Alvarez	Sempra Energy Resources
Bob Jackson	Sempra Energy Resources
Lori Nelson	Sempra Energy Resources
Russell Roberts	Strategic Solutions
Craig Wilkinson	TME
Wanda Dalke	UNLV - Student Nurse
Edward Martinez	Zia Engineering & Environmental

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 Brown asked for Board approval of the Consent Agenda.

Member Colquitt moved to approve the Consent Agenda. Member Ravitch seconded motion. Member Colquitt moved to rescind the vote. Motion was seconded by Member Reese and carried unanimously.

Chairman Brown opened the public hearing on Item #12, Variance Request for Petitioner Jeffrey Gremore for Sydney Houseal. Staff is recommending approval and she asked if any member of the public wished to comment. There was no response. She closed the public hearing.

Member Colquitt moved to approve the consent agenda with the variance request. Motion was seconded by Member Ravitch and carried unanimously:

1. Approve Minutes/Board of Health Meeting – 01/25/01

2. **Payroll Overtime for Periods of** - 12/23/00 – 01/05/01 & 01/06/01 – 01/19/01
3. **Approve Accounts Payable Register - # 800:** 01/08/01 – 01/19/01
4. **Petition #06-01** – Award of Bid for the Ryan White Title I AIDS Services for Fiscal Years 2001/2002
5. **Petition #07-01** – Approval of Agreement with Prepcheck for Internet Foodhandling Training
6. **Petition #08-01** – Approval of Addendum to Contract with Zia Engineering to Address Environmental Protection Agency and Nevada Department of Environmental Protection Changes to the Scope of Work for the Solid Waste Management Plan Revision
7. **Petition #09-01** – Approval of Administration Fees for Hepatitis A and Pneumococcal Conjugate Vaccines
8. **Petition #10-01** - Appointment of Air Quality Hearing Board – Professional Engineer and Alternate Engineer Member Positions
9. **Petition #13-01** – Approval of Redefinition of Classification Specification for Graphic Artist, Salary Change from Schedule 14 to 17
10. **Petition #14-01** – Approval of New Classification Specification for Health Records Manager, Salary Change from Schedule 23 to 26
11. **Petition #15-01** - Approval of New Classification Specification for Physical Therapist, Schedule 23
12. **Public Hearing:** Upon request of any individual 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 Community Water system with the Deep Soil Absorption Field with Twenty (20) Feet of the Structure and the Septic Tank within Ten (10) Feet of the Property Line. Petitioner – Jeffrey Gremore for Sydney Houseal, Owner

II. **PUBLIC HEARING/ACTION**

1. **Variance Request** – to Store a Hot Dog Cart at 1932 East Pyle Avenue, Henderson, Nevada, a Private Residence, or at Seven Hills Self Storage, 999 Beasley Street, Henderson, Nevada, Without Being Required to Operate From a Permitted Commissary as Required by Current Regulation - Petitioner - Jack Bisceglia

Clare Schmutz explained that the Variance Request is to store a hot dog cart in a private resident garage or at a self-storage facility. The Board adopted the first hot dog cart regulations in the 1980s. The Board was careful in requiring certain items for the operation of the carts, such as commissary, zoning approval for public property and property owners' approval to place on private property. The Petitioner is requesting not to use a commissary. He introduced Philpa Pointon and Daniel Maxson who have been working on Mr. Bisceglia's variance request.

Daniel Maxson, Environmental Health Supervisor commented that since January 1998 Environmental Health staff have been working with Mr. Jack Bisceglia on his hot dog cart operation throughout the Henderson area.

Philipa Pointon, Environmental Health Specialist, gave a brief PowerPoint presentation. She explained that historically the District has never permitted a commercial food business at a private residence. The issue continues to be raised by various individuals. Most recently this issue has been raised by an Internet cookie sales business. Objectively, it was time to evaluate whether operating a food establishment out of a private residence could be done within the framework of the law. Staff contacted the business license and zoning sections, which indicated that a business license could not be issued without a zoning variance. The City of Henderson indicated that they would issue a business license to operate out of a mini storage.

The request to store the offsite portable unit (hot dog cart) at a self-storage facility or a public resident which is in conflict with the District Board of Health regulations. Specifically, he is requesting to store the cart at his home or the self-storage facility, which are both non-permitted locations. Furthermore, that he be allowed to operate the cart out of a grocery store deli utilizing their commercial equipment to store and prepare food as well as clean the equipment.

Currently the commissary requirements require adequate and approved storage including commercial refrigeration units. Additionally some very specific things are required, including three compartment sinks, mops, hand sinks, mop sinks, floor drains and commercial equipment. Also, needed is a protected wash-down area with drainage to a sanitary sewer for cleaning the carts and equipment. The storage equipment and cleaning facilities need to be in one central location with open access during business hours to allow both the operators and the District staff access. Also needed is a separate cart storage area from where actual food preparation is done and a posted service log for each cart.

Staff conducted a survey of Mr. Bisceglia's residence and the Dover Hills self-storage facilities. Staff found an unprotected wash down area that drains to the street and not into a sanitary sewer. The cart storage and cleaning areas were at different locations than the food preparation and storage areas. At the mini storage there was no hot water or lighting available, however there was hot water and lighting available at the residence. There were some concerns about access and right to entry at a private residence.

Historically, Mr. Bisceglia has not been very reliable in complying with the District's regulations. His previous performance raises some significant issues for future compliance. There were several issues of concern pertaining to public health besides the drainage issue, which is in violation of the Clean Water Act. No hot water to cut grease and road grim. The mini-storage facility is adjacent to an open desert and subject to significant blowing dust. The mini-storage is not protected and cart storage at a private residence may lead to inappropriate food storage and preparation. The Petitioner has admitted the storing and preparing food at his private residence, even after being notified both verbally and in writing that this is not permitted. Even if Petitioner agrees to do nothing other than store his cart at his residence, his previous actions and past non-compliance history place a promise to comply with conditions or requirements in significant doubt.

The petitioner sites a financial hardship because he does not want to use a commercial commissary. There are several commissaries that are available and Staff has provided Mr. Bisceglia with several names. One of the commissaries agreed to discount it approximately \$200 a month for Mr. Bisceglia. Additionally, there is concern about inspection and enforcement in a private residence. The District does not have the right to enter private residences to

conduct inspections. Also, concern was expressed on the impact on other commissary owners who have complied with the regulation.

Petitioner has not presented circumstances which are unique to him or do not generally affect other persons subject to these regulations. Petitioner has not presented documentation that would lead to an inference of "financial hardship" or that compliance with existing regulations are unduly burdensome. Petitioner has not demonstrated that granting the variance is necessary to enable him to preserve and enjoy any property right, and has not demonstrated that granting the variance will not be detrimental or pose a danger to public health.

Staff has issued the Petitioner seven (7) cease and desist orders in the past three (3) years with four (4) supervisor conferences and several letters indicating specifically what was need to operate the hot dog cart and commissary requirements. Unannounced inspections are key to determining actual operator conduct any food establishment but the District does not have an absolute right of entry into a private residence to conduct such inspections to protect against health hazards. Therefore, it would be difficult to monitor. Staff recommended denial of the Petitioner's request for a variance from the regulations governing the sanitation of food establishments.

Chairman Brown opened the public hearing.

Jack Bisceglia, owner of Hot Diggity Dog expressed an interest in the Board granting the Variance, as this was his way of making a living at 79 years of age. He indicated that he had participated in several meetings with District Staff. He felt that since his garage was clean and the utensils were being cleaned at Smith's, he should be allowed to obtain the Variance. Also, he indicated that the rates at the commissaries were too high and with the cost of Smith's rental his operating expenses were \$225 a month.

Discussion ensued with Board Members and Staff regarding Petitioner's new agreement to use commissary facilities at Smith's and costs involved. Smith's will allow food storage, washing of utensils, pots and pans but not the wash down or storage of the hot dog cart. Unfortunately, Mr. Bisceglia, initiates agreements with various companies, such as the Gold Rush, to use commissary facilities and generally ends up functioning out of his residence instead of using the agreed upon commissary facility. Staff had discussed with a local commissary that will assist in providing all of the necessities to fulfill the regulations at a cost of \$200 per month.

Francine Scolaro representing the New York Sabrett Commissary remarked that she had been working with the Clark County Health District since 1992 establishing and working on requirements for hot dog carts in Las Vegas. They went through great lengths to establish a respectable and health conscious hot dog cart business. She handed out five (5) letters documenting that other hot dog cart operators were utilizing the commissary facilities and documentation from the Health District she had received that outlined the requirements. Mr. Bisceglia refused a discounted offer of \$200 a month, which includes ice in order to keep the product at a proper temperature. She asked that the Board not approve the variance, as it would be unfair to all the other hot dog cart and commissary owners who have worked hard to come into compliance with the District regulations.

After discussion followed by Board Members and Legal Counsel about public health, safety, legal aspects and established standards, Chairman Brown closed the public hearing.

Member Kenny moved to deny the variance. Motion was seconded by Member Reese and carried unanimously.

2. **Memorandum #04-01** – Continuance of Public Hearing to Adopt Regulations Governing the Transportation of Solid Waste and Recyclable Materials from February 22, 2001 to April 26, 2001

Chairman Brown stated that staff was recommending continuance of this item to April 26, 2001. She opened the public hearing and asked if any member of the public wished to speak? There was no response.

Member Kenny moved to follow Staff's recommendation to continue the public hearing to April 26, 2001. Motion was seconded by Member Smith and carried unanimously.

III. **REPORT/DISCUSSION/ACTION** Board may take action on any items and information in this section and/or direct staff accordingly:

Chairman Brown stated that Staff has requested that Item #3, Petition #16-01 be considered after Item #6, Report on Air Quality Agency Cost Analysis by Hobbs, Ong & Associates.

1. **Report:** Emission Reduction Credit Program Report (Air Quality Division Staff)

Christine Robinson, Air Quality Director, remarked that at the January 2001 meeting an item regarding the Emission Reduction Credit (ERC) Program audit was heard by the Board. The Board asked that it be held until staff presented a report concerning the status of ERC Program. She introduced David Hoch, Air Quality Permit Specialist II, who presented a brief PowerPoint presentation of the current status of the program in order for the Board to make informed decisions on the future of the program.

David Hoch gave an overview of the program. He explained the difference between Offsets and ERC's. Offsets are contained in Section 52 and 58 of the Air Quality Division Regulations (AQDR). They are required for new and modified major sources of air contaminants. The offsets are State Implementation Plan (SIP) required and federally enforceable. They are created by installing controls exceeding permit requirements or through shutdown of sources. Offsets are permanent in nature. Once the reductions have been made they can be put into a bank as an asset. However, presently no offsets are available for use by sources. Staff does not recommend any changes in these programs other than populating these banks with some reductions that can be traded.

The ERCs are described and required in Section 12 of the AQD regulations. They are required for new and modified non-major sources of air contaminants. ERC credits are created primarily by road paving. They are locally enforceable and EPA does not require ERC assessments. The concept involved in the ERC program is interpollutant trading which allows sources to mitigate the Carbon Monoxide (CO), Particulate Matter (PM₁₀), Volatile Organic Compounds (VOC) and Nitrogen Oxide (NOx) with PM₁₀ reductions from road paving. These credits have a one-year shelf life as opposed to the permanent nature of an offset.

ERCs are required in the nonattainment and management areas of Clark County. New sources of air contaminants must obtain ERCs by summing their emissions of PM₁₀, CO, VOC, and NOx, doubling it and then purchasing ERCs to equal that number. Also if a source expands and increases its emissions, they have to offset or mitigate those emissions.

Historically, in the 1970's and 80's sources were required through their permits to make cash payments to special improvement districts and local improvement districts for the paving of roads. This was loosely called an offset at that time. In the early 1990's, the process was

formalized with interlocal agreements and public works entities would receive checks from the Health District that were received by sources for mitigation. A dollar per ton figure was established and once the requirement was identified in a permit they could pay to the Clark County Health District a sum of money, which would then be passed through to the public works entities of the respective areas. Recently the program has been more formalized to where private paving companies could pave the road and they would receive the credit directly. These are all measured in terms of tons of PM₁₀ credits. That company would then be a holder (bank) of credits. Sources that now had requirements from their air permits could approach these companies and buy them directly, leaving the Health District as an accountant with the function of tracking these and issuing certificates of redemption or banking. To date, approximately 65 miles of road have been paved.

Currently, Sections 90-94 (dust rules) of the AQD regulations have been adopted by the Board of Health. The ERC program is not used presently, in the PM₁₀ SIP. Because of complex "grandfathering" and exemptions, administration of the ERC program is troublesome. The District has received community criticism and an audit has been recommended.

Section 91 of regulations requires that roads that have 150 average daily trips (ADT) and above be paved. Section 91 is a SIP rule and therefore, the District cannot award ERC's for paving these roads. Roads less than 150 ADT are available for paving, however the credits that are generated may not satisfy our long-term need for those credits.

In the current SIP being prepared by Clark County Department of Comprehensive Planning the reductions from the ERC program are not used to demonstrate attainment. The reductions from paving roads are not counted as a reduction in the SIP. Also, the reductions that would come from employing the credits against stationary source emissions are not counted. The District used to be accused of double counting. If the District had counted both of these, from road paving and stationary source reductions, that would be double counting. The District is not double counting nor single counting. From an attainment point-of-view, the program does not exist.

Over the past several years there have been numerous and frequent rule and policy changes that make accurate assessments troublesome.

Criticism and Concerns: Presently, there is litigation pending in one case. The District Attorney recommended a full audit be performed of the program. Past audits did not adequately address public concerns. The SB432 Subcommittee has recommended that an audit of the ERC program be conducted. There is still need for some mitigation of new and modified emissions.

Need for Mitigation: The SIP establishes CO and PM₁₀ budgets or daily inventories expressed in terms of tons per day. As a community, there is a limit of CO and PM₁₀ that can be emitted. Each new or modified non-major source of PM₁₀ or CO adds to these inventories. Every time a company comes into Clark County to set up a business and emit contaminants they will add to that inventory. The ERCs have the effect of mitigating the increase in the inventory. So instead of adding one ton to the inventory it may only add one-half or one quarter. Therefore, without some form of offsetting or mitigation, these inventories proliferate more rapidly. Without a mitigation program, there could be an adverse effect on the maintenance or attainment of federal standards. Mitigation makes room for other sources of emissions so that economic development can continue.

Options: Staff has concerns if the program were ended. It may not be feasible because there are approximately \$8 million dollars worth of credits in banks now. If the program were

stopped those credits would be devalued. This could arguably amount to a "taking" a property right. According to EPA, offsets and ERCs are not property and therefore are not a taking. Without an express statement in the rules that states that there are no property rights the District is open to some litigation. Also, no mitigation means increased health risks for the community.

To continue the program with no changes may not be feasible either. The availability to bank credits on busy roads is taken away with Section 91. Therefore, credits would only be available for paving roads less than 150 ADT. These roads may not be enough to meet program requirements. Administration is troublesome. No credit is taken in the PM10 SIP. Interpollutant trading may hamper ozone attainment plans, with no mitigation for NOx and VOC.

To keep the program with some modifications is feasible in order to improve the program for community needs. Phasing in a pollutant-specific program and no longer using dust reductions to offset increases in NOx, VOC and CO is a likely possibility. Setting achievable timelines for the phase in/out will be necessary. The introduction of pollutant-specific ERCs will be a challenge. Additionally, a feature could be implemented that brought revenue to the AQD through a transfer fee or banking fee. Simplified administration of the program is critical. If interpollutant trading is eliminated, PM10, CO and ozone SIP credit can be taken for reductions.

Member Kenny remarked that the program at present is not working, complete elimination is not feasible, and therefore doing an audit of something that should not exist in its present form in the future is not reasonable. She suggested that Staff reformulate and revamp the program into a workable form that takes into account the banked credit, follows the SIP and is administratively and EPA friendly.

Christine Robinson, Air Quality Director, commented that Staff would recommend being given an opportunity to phase out the features of the program that do not work and bring in new features that will work for everyone. At that time, the Board can make a decision with respect to an audit of the program. Staff perhaps could have a reformulated program with public hearings in approximately four (4) months.

Member Kenny moved to direct Staff to reformulate and revamp the program into a workable form that takes into account the banked credits, follows the SIP, is administratively and EPA friendly to bring back to the Board in four (4) months for approval. Motion was seconded by Member Reese and carried unanimously.

2. **Petition #12-01** - Request to Set a Public Hearing on March 22, 2001 to Consider Revisions for the Local Emission Reduction Credit (ERC) Program as Regulated in Sections 0 -Definitions, 12-Pre-Construction Review for New or Modified Stationary Sources, and 18-Fees

Member Reese moved to table Petition #12-01. The motion was seconded by Member Kenny and carried unanimously.

Chairman Brown stated that Staff has requested that **Item #3**, Petition #16-01 be considered after Item #6, Report on Air Quality Agency Cost Analysis by Hobbs, Ong & Associates.

4. **Update on Dust Palliative Use** and Recommendation for Incorporation of Nevada Department of Environmental Protection Interim Guidelines (Member Kenny Requested Item)

Christine Robinson, introduced Lewis Wallenmeyer, Enforcement Supervisor.

Lewis Wallenmeyer, stated that in April of 2000, Commissioner Kenny requested that working group convene to address concerns related to the use of dust palliatives and suppressants in Clark County. Concerns that have been expressed include potential water and soil contamination, issues related to appropriate uses and potential misuse of particular types of dust suppressants (including potential liability), and education of the public and industry related to dust suppressant use.

The working group convened and developed an interim guideline to be incorporated into the Section 94 Handbook.

Member Kenny moved to follow Staff's recommendation and integrate the policy into the Section 94 Handbook. Motion was seconded by Member Smith and carried unanimously.

Member Kenny thanked the working group for their many hours and efforts.

5. Report: Air Quality Division Management Study by Ralph Anderson & Associates

Christine Robinson, Air Quality Director, commented that the Board had commissioned an organizational management study of the Air Quality Division at the September 28, 2000 Board meeting. Staff and other local agencies have worked with Ralph Anderson and Associates over the past several months in preparing the report. She introduced Bill Kurchoff, representing Ralph Anderson and Associates to present the findings of the report.

Mr. Kurchoff, gave a PowerPoint overview of the study. He indicated that the study was not an audit but a study to find areas in which the organization can improve itself. The study did not deal with the financial implications, political issues or scientific issues. Several meetings were conducted with the Air Quality Director, Chief Health Officer and various staff to brief them on the study process. Two surveys were distributed to gain the information. The organizational climate survey was distributed to staff. Seventy percent of the employees felt that they had good and sufficient training. The other survey was distributed to the regulated community. The few responses from the regulated community were generally positive, which indicates a level of satisfaction in the industry.

The objectives included looking at the organization structure, span of control, staffing, service delivery methods, management and organizational improvement opportunities, work environment, employee participation and assess future staffing needs. Also to identify the actions and resources needed by the Division to meet the Clean Air Act requirements and reduce air pollutants in Clark County.

The Air Quality Division lacks basic management systems and practices. The lack of good, fundamental management practices seriously inhibit the ability of the new Director to push ahead with new clean air initiatives. In addition to the challenge related to the abatement of air pollution is the need to re-tool the Division itself. Given the new Director's accomplishments to date, and the support she is receiving from the Chief Health Officer, there is every indication that the Air Quality Division will become an effective planning, regulatory and enforcement agency capable of meeting the EPA mandates. The Director has already initiated some of the recommendations contained in the report.

Additionally, considerable discussion analysis and study has gone into the questions of whom should have jurisdiction over the Division and where should it be located. The recommendations contained in the report will benefit the Division's operations regardless of these issues. Some of the recommendations included: improve the division's organizational culture and value system, restructure the organization, section supervisors need management

training, cross-training of staff/supervisors, space and equipment needs. It will take time to accomplish the recommended changes but will result in an effective Air Quality Division.

Member Cyphers thanked Mr. Kurchoff for the report. She thanked "whistleblowers", employees, past and present, and indicated that this was a day of vindication for them. With implementation of the recommendations and new leadership, the AQD should become a very efficient and effective air quality agency.

Brief discussion ensued by the Board Members concerning the report, proceeding with caution in implementing recommendations because of the new agency and the viewing the report as a foundation to be built upon.

6. Report: Air Quality Agency Cost Analysis by Hobbs, Ong & Associates

Christine Robinson, Air Quality Director, remarked that the Transition Management Committee of the Regional Planning Coalition commissioned a cost analysis of creating a new air agency. Hobbs Ong & Associates have worked with the local entities to perform this work. She introduced Jeremy A. Aguero, representing Hobbs, Ong to review the report.

Jeremy Aguero, representing Hobbs, Ong reviewed a PowerPoint presentation of cost analysis for starting a new agency to deal with air quality problems. He reviewed the following series of questions with the Board: 1) Do we have an existing or potential air quality problem in Clark County? 2) Can the air quality challenge be more effectively addressed under a single agency? 3) Should the air quality agency be housed in a single location, if so lease or build? and 4) How do we pay for air quality programs?

The recommendations as a result of the analysis, there is an air quality problem that will be more effectively addressed under a single agency housed at a single location. Also, in order to pay for the agency there is a need to prepare inter-local agreements for the creation of a new air quality agency; review and present potential funding alternatives; review and present two or three location alternatives.

3. Petition #16-01 - Consideration of **Resolution #01-01 to Support Nevada State Legislative Efforts to Provide Additional Funding for Local Air Programs**

Christine Robinson, Air Quality Director, explained that this item was to request that the Board of Health consider a resolution to support Nevada State Legislative efforts in providing additional funding for local air quality programs. The resolution provides a mechanism for the Board of Health to support state legislative efforts to increase the smog check fee in Clark County.

Member Colquitt moved for acceptance of Petition #16-01, Resolution #01-01. The motion was seconded by Member Ravitch.

Member Crowley stated that in the resolution that the entire Clark County community was not in nonattainment just portions. Staff will amend the language to indicate the appropriate hydrographic basin for CO and PM10 and refer to ozone for Clark County.

Member Kenny noted that the resolution language needed to ensure that if there is a dividing of the fees that it goes to the proper agency and not earmarked for an agency that does not exist.

Staff will incorporate the changes. The motion carried unanimously.

7. **Memorandum #05-01** - Air Quality Hearing Board Resolution #02-01 for Alternative Fuel Compressed Natural Gas Vehicles

Christine Robinson, Air Quality Director, stated that at the January 25, 2001 meeting the Board reviewed a resolution adopted by the Air Quality Hearing Board concerning the use of compressed natural gas (CNG) vehicles by government fleets in the valley. The Board of Health directed staff to make revisions based on discussions and return the resolution for Board approval. She indicated that there were additional typographical changes that needed to be made. In the first "whereas" it should read NRS not NAC and the very last statement in the resolution should read NAC 486A.015 and not NAC 486A.030. Also, the statement "That entities purchase vehicles powered by cleaner burning CNG, Propane or LPG instead of diesel" be changed to read "That the Board of Health urge entities that consider the purchase of light duty diesel vehicles consider instead the purchase of similarly configured vehicles powered by cleaner burning CNG, Propane or LPG instead of diesel". The intent with the above language was for regular street vehicles and not for busses at this time. Additionally, the last statement on the resolution should read: That the State Environmental Commission remove low sulfur diesel fuel from the "alternative fuel" definition contained in NAC 486A.015.

Brief discussion followed by the Board and Staff considering adding another point to the resolution urging that penalties currently distributed the Health District to the School District be used for cost differential of CNG busses or the use of an alternative diesel fuel other than low sulfur diesel.

Member Kenny moved to approve Memorandum #05-01, Resolution #02-01 with the amendments directed to staff. The motion was seconded by Member Colquitt and carried unanimously.

IV. CITIZEN PARTICIPATION

Citizen participation is a period devoted to comments by the general public about matters relevant to the Board's jurisdiction. 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 has been complied with. Therefore, no vote may be taken on a matter not listed on the posted agenda and any action on such items will have to be considered at a later meeting.

Chairman Brown asked if any member of the public wished to speak.

James Sohns, representing Nevada Car Owners Association, stated that he agreed with Members Kenny and Cyphers in reference to the Air Quality Division Management Study. Also, several professionals in the community over the last few years have asked for an audit of the ERC program.

He explained that in reference to alternative fuels that there have been different sources available for years, such as solar panels.

He asked that the Board take a moment in memory of Elizabeth Gilmartin, who came forward to testify about the Air Quality Division at the senate.

Tom Beatty, Executive Director of Local 1107 Nevada Service Employees stated that he wanted to alert the Board Members in reference to Item #9, on the consent agenda, Approval of Redefinition of Classification Specification for Graphic Artist, Salary Change from Schedule 14 to 17. The union did not take issue with this reclassification but several calls have been received from the members (District employees) because there is not a policy nor process in which to deal with reclassifications.

He suggested that the issue be addressed relatively quickly because it is a major issue for the membership at the District.

Member Kenny suggested that Mr. Beatty and Dr. Kwalick meet and review the issue.

Billy Keefe, of the Clark County School District, remarked that as the fleet manager in reference to alternative fuel, cleaner burning gasoline (CBG) is imported from Maricopa County in Phoenix Arizona. The CBG meets the alternative fuel regulation and is cheaper than buying a compressed natural gas (CNG) passenger vehicle. A CNG powered school bus would cost an additional \$23,000 to \$43,000 to the current \$101,000 for a 90-passenger bus. He expressed taking the fines and adding it to the purchase of a bus would take a long time to refurbish the fleet. There are approximately 1,035 diesel buses and 83 more due for delivery in July 2001. The buses cannot be modified to CNG because they have not been crash tested for CNG. The School District buys the cleanest technology available. He invited any member to get behind one of the new 2001 buses and there will not be any exhaust.

Jack Greco, Air Quality Hearing Board Member, and original author of Resolution #02-01, expressed concern that the School District has never followed the rules on alternative fuels. The Regional Transportation Commission (RTC) in 1994 bought 51 CNG vehicles, the School District bought none. In 1997/98 the RTC bought 21 CNG vehicles, the School District bought none. Now, unfortunately in 1998/99 the RTC bought 60 diesel vehicles, so it appears they learned the trick of the School District. When the resolution came before the Hearing Board there was only one objection by staff at that time because the Clark County Health District was referenced also. The fuel at the School District is not much better and has a few less olefins. CNG is 70% more efficient when it comes to CO. Senate Bill 177 does exactly what the Hearing Board has asked to be done, remove diesel from the list of alternative fuels for the purpose of NAC 486A. That is what needs to be done, however, now the resolution has been changed to reflect that if you do by a diesel bus then burn it on something other than low sulfur diesel. Bio-diesel is what is in the market now and it is not very different with only a few reductions. However, with the recommended change in the resolution now will not make the School District or any others get the pure CNG. Bio-diesel has an increase in oxides of nitrogen and a higher HC output. The only reduction is in sulphur that comes from low sulfur diesel. The resolution needs to be stronger to address clean air honestly.

Dick Serdoz, concerned citizen, briefly commented on the AQD management study. Eliminating the technical manger at the supervisory level would loose credibility in the community. Cross training of supervisors and staff is a good idea. Performance standards and work accountability for supervisors is lacking in a lot organizations. Permit language needs to be clear not feel good language as it makes it difficult to regulate. Implementing the recommendations will take a lot of work and time.

Member Crowley added that it is better to write a good permit up front than to try to figure out how to get compliance out of a permit that is not written well.

V. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick reminded the Board Members to file financial disclosure statements before March 31st. The North Las Vegas satellite clinic grand opening was held on February 21, 2001. Dr. Kwalick commented that David Rowles is retiring on March 9, 2001, after over 20 years of service as the Administrative Services Director for the Health District.

David Rowles, Administrative Services Director, stated that it had been is pleasure and career desire to be of service to the District and community. He added that his time with District has not

always been with the agreement with others. He thanked the Board for their service and support and stated that it had been a privilege to serve with Dr. Kwalick and with Dr. Ravenholt.

Chairman Brown on behalf of the Board thanked David and wished him peaceful and happy long hours in retirement.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Administration:

- a. January 2001 Monthly Activity Report
- b. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of November 2000
- c. Emergency Medical Services Annotated Agenda & Minutes, January 2001
- d. Health Education January 2001 Monthly Report
- e. Public Information January 2001 Report

2. Air Quality:

- a. Monthly Report, January 2001 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)
- b. Particulate Matter Emissions Control Research Advisory Committee Minutes December 2000 and February 2001 Agenda

3. Environmental Health:

- a. January 2001 Monthly Activity Report
- b. Listing of Food Establishments in Plan Review for the Period of 01/01/2001 to 01/31/2001
Letter of Thanks from the Conservation District of Southern Nevada Regarding Earthfest Participation
- c. Letter of Thanks to Daniel Maxson, Environmental Health Supervisor from the International Association of Food Protection Regarding Assistance in Organizing The Symposium on the Role of Norwalk-like Viruses in Foodborne Disease

4. Epidemiology:

- a. January 2001 Monthly Report

5. Nursing and Clinics:

- a. Letter of Appreciation for Willie Trejo, Federal Public Health Advisor, Presentation On Sexually Transmitted Diseases to Greenspun Junior High Students
- b. Letter of Appreciation to Bonnie Carlisle, RN and Addiction Treatment Staff

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 11:20 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/mg