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

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## **MINUTES**

### **CLARK COUNTY HEALTH DISTRICT DISTRICT BOARD OF HEALTH MEETING**

625 Shadow Lane  
Las Vegas, Nevada 89106  
Clemens Room

***Thursday, August 23, 2001 - 8:00 A.M.***

Vice-Chairman Crowley called the meeting of the District Board of Health to order at 8 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:

Susan Crowley

Robert Eliason

Joseph Hardy, MD

Erin Kenny

Chip Maxfield

Donalene Ravitch, RN

Gary Reese

Stephanie Smith

Paul Henderson

Vice-Chairman, Henderson

Councilman North Las Vegas

Councilman, Boulder City

Commissioner, Clark County

Commissioner, Clark County

Appointee, Boulder City

Councilman, Las Vegas

Councilwoman, North Las Vegas

Councilman, Mesquite

##### Absent:

Jim Christensen, MD

Sherry Colquitt, RN

Secretary/Physician Member At-Large

Appointee, Las Vegas

#### Executive Secretary:

Donald S. Kwalick, MD, MPH

#### Legal Counsel:

Stephen Minagil, Esquire

Staff: Clare Schmutz; Karl Munniger; Fran Courtney, RN; Ed Wojcik; Daniel Maxson; Angus MacEachern; Glenn Savage; Susan O'Malley; Sherry Hurlburt; John Mileo; Rose Bell; Jeanne Palmer; Jennifer Sizemore; Forrest Hasselbauer; Leo Vega; and Recording Secretaries Diana Lindquist and Montana Garcia

**ATTENDANCE:**

<u>NAME</u>	<u>REPRESENTING</u>
Dennis Nowlin	Nevada Power Company
Mike Wavecek	Kennedy / Jenks
John Blenk	Kennedy / Jenks
Don Freund	Nevada Power Company
Sean Gamble	Faiss Foley Merica
Michael Pergolini	Paris Las Vegas / PPE
Robert A. Zitto	Park Place Entertainment
Lee Budd	Prepchek Food Safety
Rob Dorinson	Nevada Resource Recovery Association
Vic Skaar	Agent for Nevada Construction Clean-Up, Inc.
L. E. Hawley	Nevada Construction Clean-Up, Inc.
Ruth Nava	Nevada Construction Clean-Up, Inc.
Vincent Difilippo	Nevada Construction Clean-Up, Inc.
Clinton M. Combs	R.C. Farms, Inc. / Waste Management, Inc.
Brenda Pohlmann	Nevada Division of Environmental Protection Las Vegas Office
David Friedman	Nevada Division of Environmental Protection Carson City Office
Richard Hertzberg	Zia Engineering
Eddie Martinez	Zia Engineering
Jennifer Simich	Republic Services of Southern Nevada
Ashley Hall	Ashley Hall & Associates

**Oath of Office - Robert Eliason, North Las Vegas Councilman:**

Stephen Minagil, Board Legal Counsel, administered the oath of office to Councilman Robert Eliason. Vice-Chairman Crowley on behalf of the District Board of Health welcomed Member Eliason.

**I. CONSENT AGENDA**

These are matters considered to be routine by the District Board of Health and 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 Reese moved for approval of the following consent agenda. Motion was seconded by Member Ravitch and carried unanimously.*

1. **Approve Minutes/Board of Health Meeting** – 07/26/01
2. **Approve Payroll/Overtime for Periods of:** - 06/23/01 - 07/06/01 **and** 07/07/01 - 07/20/01
3. **Approve Accounts Payable Register** - **#809:** 05/18/01 - 06/08/01; **#812:** 07/09/01 - 07/20/01 **and #813:** 07/23/01 - 08/03/01
4. **Petition #50-01** - Approval of \$10,000 Geographic Information Systems (GIS) Program Interlocal Contract with Clark County. The Contract allows the Health District to Participate in the GIS Program established by Clark County
5. **Petition #54-01** - Write-off Private Patient Home Health Uncollectible Amounts
6. **Petition #55-01** – Renewal of Contract with Nevada State Health Division for Special Supplemental Food Program for Women, Infant and Children (WIC) for Fiscal Year 2002

7. **Petition #56-01** - Extension of Memorandum of Understanding Between Southern Nevada Immunization Coalition and Clark County Health District
8. **Petition #57-01** – Approval of New Positions and Classification Specifications for the Following: Landscape Maintenance Technician to be placed on Schedule 12 (\$25,421.76 to \$35,513.92) and Hearing, Ventilation and Air Conditioning (HVAC) Technician to be placed on Schedule 21 (\$40,368,64 to \$56,257)
9. **Petition #58-01** - Redefinition of the following Classification Specification for the Health Education Section: Health Educator I – No salary change, Schedule 19; Health Educator II - No salary change, Schedule 21.
10. **Petition #59-01** - Request to Set a Public Hearing to Approve or Deny Nevada Construction Clean-up, Incorporation's Materials Recovery Facility Application to Operate a Materials Recovery Facility at 2745 North Nellis Boulevard, Clark County, Nevada
11. **Petition #60-01** - Request to Set a Public Hearing to Approve or Deny Liberty Salvage Materials, Materials Recovery Facility Application to Operate a Materials Recovery Facility at 130 West Owens Avenue, North Las Vega, Nevada
12. **Petition #61-01** - Renewal of Agreement with Faiss Foley Merica for Lobbyist Services Through the 2003 Legislature

## II. **PUBLIC HEARING/ACTION**

1. **Memorandum #14-01** - Public Hearing to Consider Nevada Power Company, Reid Gardner Power Generation Facilities, Application for a Modification to the Permitted Design of its Class III Disposal Site for Solid Waste

Member Reese stated that his daughter worked at Nevada Power Company, but it does not inhibit him from participating in discussions and/or voting on this application.

Clare Schmutz, Director Environmental Health, remarked that this was a modification requested by Reid Gardner, Nevada Power Company, for its 112-acre solid waste Class III landfill. He introduced Glenn Savage, Environmental Health Supervisor, to review the proposal.

Glenn Savage summarized the steps that had been taken over the last six to eight months on the application. The proposed modification of the Reid Gardner permitted design calls for a three-phase development of the area, which is designated as the Mesa Landfill. The design will provide approximately 20 years of disposal capacity at the facility. The materials that will be disposed of include wastewater sludge; dredge fly ash, bottom ash and some asbestos containing materials, which are wrapped in plastic to prevent it from becoming air borne.

It is anticipated that the modification will allow for the disposal of 250,000 cubic yards of waste material per year. Nevada Power has worked cooperatively with the District in providing information, which includes areas of storm water drainage, groundwater monitoring information, basic geology of the facility, daily operations plans, closure of the landfill in approximately 15-20 years, financial assurance information and analysis of the materials that will be disposed at the facility. Staff has determined these wastes to be non-hazardous waste.

A public workshop was conducted in Moapa. Attendees were primarily from Nevada Power. Some issues and concerns were brought forth prior to the workshop from the Paiute Tribe, Clark Comprehensive Planning and Air Quality Management. The Clark County Health District (CCHD) submitted those concerns to Nevada Power Company. Additional meetings and discussions were conducted with concerned parties.

Staff recommended approval of modification to the permitted design of the Class III Disposal with the following conditions:

1. An ambient monitoring station will be installed on the Paiute tribal property before operations begin. The monitoring station will be located across from the tribal community center. The station will monitor 6-day PM<sup>10</sup> (continuous), precipitation, H<sub>2</sub>S, wind speed, wind direction and temperature. A monitoring plan will be developed and will include a quarterly monitoring report which will be made available to CCHD employees and the public.
2. A dust control management program will be developed to incorporate the transportation of waste, general transportation at the facility, and any waste disposal activities at the facility. Equipment and procedures to mitigate dust will be included in the program. The Clark County Department of Air Quality Management and NDEP must approve the program by December 31, 2001.
3. Additional monitoring wells shall be installed in areas in and/or around the current and future fly ash landfill. The number and location of such monitoring wells shall be agreed upon with staff from the CCHD and NDEP, Bureau of Corrective Actions. These monitoring wells shall be constructed and developed no later than December 31, 2001 and shall be incorporated into the existing quarterly groundwater sampling. The required list of analytics shall also be discussed and agreed upon with staff from the CCHD and the NDEP, Bureau of Corrective Actions.

The monitoring wells shall: (1) have a minimum outside diameter of 4 inches; (2) be constructed in compliance with current Nevada Division of Water Resources (NDWR) standards; and (3) be screened such that approximately ten feet of screen is positioned below the water table and at least five feet of screen extends above the water table. Historic water levels should be reviewed prior to well construction to aid in screen length and position determinations. The screened interval shall be constructed to accommodate a rise and fall of the water table (from highest through lowest anticipated positions) such that: (1) sufficient water is always present to accommodate sampling; (2) the water table never rises above the top of the screened interval; and (3) at least ten feet of separation exists between the top of the screened interval and the base of waste emplacement.

4. Historic landfill operations and data collected between approximately 1995 and current (2001) shall be reviewed by the permittee to assist in determining the position of the future "lined dredge pond." Historic landfill operations resulted in the emplacement of "wet wastes" that were determined by Kleinfelder, an engineering firm, to be potential structural issues should lined impoundments be placed on top or near these areas. The permittee shall evaluate these areas and these data and either remove the wet wastes; stabilize them in place; or position the "lined dredge pond" in an area remote enough from these existing potential hazards that their existence does not lead to or contribute to liner failure. The final position of this "lined dredge pond" shall be agreed upon with staff from the CCHD and the NDEP, Bureau of Corrective Actions prior to its use.

5. All disposal operations at the facility will be in compliance with the Nevada Water Pollution Control Act. The operations of the landfill will be managed in a manner to prevent any release to the Muddy River. Any release must be reported to NDEP and CCHD immediately.
6. The permittee agrees to recognize that this permit shall not give reason to be in non-compliance with any corrective actions requested or required by NDEP or CCHD. These corrective actions include any current and/or future actions.
7. Operations of the landfill will be managed to prevent public health hazards, nuisance odors, and harborage and attractions of vectors, pollution and the environment, and
8. Operations of the landfill will be in compliance with all federal, state and local laws, rules, and regulations.

Vice-Chairman Crowley opened the public hearing and asked if anyone would like to speak.

Member Reese asked the applicant if they concurred with the eight conditions Staff is recommending.

Dennis Nowlin, Environmental Scientist, representing Nevada Power Company, stated that they would comply with the conditions of the permit and concurred with Staff's recommendations.

Brief discussions followed by the Board Members and Staff concerning who would approve the air monitoring plans, if there would be any anticipated difficulty placing the new operations in relations to the historic landfill operation areas and uses of the fly ash.

The air monitoring plan would be approved by the Clark County Department of Air Quality Management and the Nevada Department of Environmental Protection (NDEP). NDEP felt that Nevada Power had explained where the historical areas were in the application and the location at the landfill, and the dredge pond would not impact the areas. However, since Comprehensive Planning had some concerns about the historical areas, staff felt that until all issues and concerns were addressed, there was a need to continue dialogue to ensure that those areas which accepted the wet waste were agreed upon and would not impact past practices. The fly ash will be marketed for use by concrete/cement companies.

At present there is no limitation of the lifetime of the landfill. The approximation in the operating plan is 20 years depending upon what is being generated and disposed. If alternatives to recycling are sought and they are able to use fly ash as road base for concrete, the application could be amended in the operations plan to extend for a few more years.

*There being no further questions, Vice-Chairman Crowley closed the public hearing. Member Kenny moved for approval with all the conditions listed and accepted by Nevada Power. Motion was seconded by Member Reese and carried unanimously.*

2. **Variance Request** - To Operate a Cook-Chill Not in Compliance with the District Board of Health Regulations Governing the Sanitation of Food Establishments **Petitioners:** Robert A. Zitto, Senior Vice President Food and Beverage on Behalf of Paris Las Vegas, a Park Place Entertainment Property

Clare Schmutz commented that the variance was to operate a cook-chill operation by the Paris Hotel and Park Place Properties. The cook-chill operation is not in compliance with the District Board of Health Regulation 1996, Section 96.03.0600(7) Governing the Sanitation of Food

Establishments. This section requires that potentially hazardous foods prepared and packaged by another food establishment or a food processing plant shall be marked with a "use by" date. These foods must be discarded if not sold or served within 10 calendar days. The request on this variance is to hold the food after the cook-chill operation for up to 41 days in the "mother refrigeration". This section does not apply to cured meats and dairy products from an approved source.

All Park Place Entertainment Properties will order food out of the mother refrigeration into their "daughter" refrigeration units. This process is unique to Las Vegas, as we do not have any other type of operation in the valley. However, this process is widely accepted by the U. S. Department Agricultural (USDA) and has been practiced in schools and government installations throughout the U.S.

Glenn Savage reviewed the history of what has occurred in working with Park Place Properties. In February 2001, Susan O'Malley was conducting inspections at the one of the sister properties, Bally's Hotel, and noted that there was food in plastic bags that were dated and outside the 10 day limitation of holding food. In interviews with the Bally's and Paris staff, it was discovered that the product was actually produced at Paris in a cook-chill process and was shipped to the Bally's facility for consumer use. Handling of the product is in violation of Section 96.03.0600 (7) of the food regulations. It was the opinion and intent of the Paris officials to utilize the cook-chill materials for longer than 10 days. Staff reviewed the process and decided that the use of the equipment had been approved but there was no documentation for approval of shipping the product of property. Over the last 6-8 months District staff has worked with the facility to review the unique process to the community and to ensure it was not a process that should be under the regulation and jurisdiction of the USDA. He briefly reviewed the steps of the cook-chill process. The variance request will allow the facility to keep food that has been cooked in the cook-chill system beyond the 10-day limit by cooking 180° F and chilling it below 40° F within 30 minutes, then holding it in extended refrigeration at 26° - 32° F for up to 41 days.

Environmental Health staff held several meetings with Paris staff and their consultant, obtained and studied their Hazard Analysis Critical Control Point (HACCP) Plan, and reviewed the cook-chill operation from the cooking operations through the cold storage mother bank at the Paris - and daughter cold storage banks at satellite hotels.

Also, Environmental Health staff contacted the USDA to determine if they would be involved in the cook-chill inspection process. Staff was advised that USDA would be involved with the Paris butcher shop but not the cook-chill operation.

Staff recommended that the Variance requested by Paris Las Vegas to Section 96.03.0600, Item 7, of *Regulations 1996 Governing the Sanitation of Food Establishments* be approved with the following conditions:

1. All Park Place Entertainment property employees associated with the cook-chill process must be trained prior to the use of the "new" cook-chill food process. Documentation must be kept on site and on file for each employee's training. The training must include the ability to understand and implement the hazard analyses critical control point (HACCP) plan. The training program will also include an evaluation process of the employee's training.
2. Microbiological testing of food products produced in the cook-chill process will begin immediately. Testing will be conducted as detailed in the HACCP plan as approved by

- the Environmental Health Division. Test results must be provided to the Health District for review as soon as the test data become available.
3. The cook-chill process will be limited in use to the Paris Las Vegas. The process can be used at Bally's-Las Vegas and the Flamingo Hilton only after refrigeration units have been upgraded to hold 28° F temperature, temperature monitoring systems have been approved by CCHD and installed, and personnel have been trained per the approved HACCP plan. CCHD staff must verify documentation of employee training.
  4. Additional Park Place Entertainment properties cannot be added to the cook-chill process until those facilities are approved for that process by CCHD. The HACCP plan will be adjusted to include new facilities that will be added to the process. All elements of the HACCP plan and conditions of the variance must be complied with before operations begin in those new facilities.
  5. CCHD must approve any new installations of equipment, changes to the cook-chill process, or alterations to the HACCP plan before any new installations, changes or alterations are made.
  6. If during review of testing data or inspections of the cook-chill process it is noted that substantial health hazards of CCHD *Regulations 1996* exist or non-compliance with the approved HACCP plan, the cook-chill process will immediately be suspended. A compliance meeting will be held before the CCHD Environmental Health Director to discuss the substantial health hazards and corrective actions that need to be taken. The cook-chill process will remain suspended until corrective actions have been completed.
  7. All cook-chill products over the shelf life of 41 days will be discarded.
  8. The variance will be reviewed in one (1) year.

Glenn Savage commended Environmental Health and Paris staff for their work and efforts on the process.

Stephen Minagil, Board Legal Counsel, explained recommendation #8 would be deleted as #6 had stipulations if the process was not complied with. Also, that the temperature requirements will be placed in paragraph one of the variance.

Vice-Chairman Crowley opened the public hearing and asked if any member of the public wished to speak.

Robert Zitto, Senior Vice-President, Food and Beverage for Park Place Properties stated that everything was agreeable to them and he thanked staff for their cooperation.

Member Hardy suggested that the process should become a regulation with public hearings and/or workshops, especially with the experience with the federal regulations on this program. The Park Place Properties appear to have 7 facilities and perhaps there are other hotel properties that would be willing to do this process.

Glenn Savage remarked that there are several properties that have shown an interest in this type of a process. Staff is anticipating putting this process in the food regulations, which are being revised.

Dr. Kwalick added that Staff would come back with a staff report on the feasibility including how long it will take for other facilities to develop the process at the September meeting.

Stephen Minagil reaffirmed with Mr. Zitto that he agreed with the conditions recommended by Staff. Mr. Zitto stated, "yes".

Vice-Chairman Crowley asked if anyone else from the public wished to speak. There being no response she closed the public hearing.

*Member Kenny moved to approve the variance with staff recommendation including the placement of the temperatures requirements in Condition #1 and deletion of Condition #8 and add a 35-day relief on Condition #3. Motion was seconded by Member Smith and carried unanimously.*

### **III. REPORT/DISCUSSION/ACTION**

#### **1. Interim Report #2 (Draft) of the Clark County Solid Waste Management Plan from Zia Engineering**

Glenn Savage gave the Board a brief outline of the status of the Solid Waste Management Plan. Over the last several months, representatives from all jurisdictions and Zia Engineering have been working on the plan. The plan has to be updated every five years. A public forum was conducted and well attended. Additionally, two public workshops were held and information gathered. Meetings have been conducted with USEPA and NDEP representatives concerning the solid waste management plan. The intent has been to build a consensus with the local citizenry, waste management, recycling community, environmentalists, USEPA and NDEP.

The community is well served by Republic Services and the landfill will be there serving the community for many years for disposal activities. In terms of recycling however, NDEP has asked that we take a look at the community recycling rates. Two years ago, Las Vegas/Clark County was at 8% and in the past year it has increased to 11%, but the goal in the late 1980's was to reach a goal of 25%.

Glenn briefly reviewed the benefits of recycling including saving natural resources, providing jobs, development of markets or centers for recycling and other economic benefits. To recycle one ton of paper, versus taking new resources and making new paper products, would provide savings of 17 trees, 6,953 gallons of water, 463 gallons oil and over 4,000 kilowatts of energy. Staff is anticipating proceeding with a final draft in September 2001, allowing for another 30-day public comment period and getting final approval in October. He invited any Board Members to provide recommendations or comments on the draft to Dr. Kwalick. He introduced Ed Martinez, representing Zia Engineering.

Eddie Martinez commented that the base infrastructure for disposal within the county is in place. Therefore, Zia was tasked, as part of the contract, with focusing on how to enhance the recycling rate within the county. This was based upon concerns from NDEP, EPA and the Health District. The benefits of recycling are numerous including promoting energy conservation. Additionally, it stimulates business entrepreneurship as we move towards the potentially 25% recycling goal.

The goal is not mandated but the plan needs to seriously take that goal into account. A key philosophical change is to change the emphasis from waste disposal to resource \*discovery recovery and resource management. Typically in the past - and this is not unique to Clark

County per se - especially in the west - where we have numerous landfills of long-term landfill capacity, the emphasis on recycling has not been there other than certain areas such as California or in the northwest where landfill space is more valuable. Another key aspect is that even though the Health District is the solid waste management authority, the municipalities/entities have authority through their franchise agreements and local ordinances to also manage solid waste. In order to move forward there needs to be a partnership between the Health District and the member entities.

Discussion followed by the Board and Staff concerning not having adequate time to review the plan. Also, Member Kenny felt that the County representatives on the Board would not be able to move forward with the plan until some further issues and possible financial implications, commitments, or impediments on some of the material recovery facilities were addressed. Additionally, concern was expressed about what was going on with the material recovery facilities (MRF) in North Las Vegas.

Member Smith asked that the Staff provide a current listing and information on these businesses and their status; who is in compliance and who is not; what problems exist; what staff has accomplished in the MRF areas and any suits that may be pending.

*Consideration was given as to the timeline to provide this information, Member Kenny moved to place this report on the Board agenda in not less than 60 days. Motion was seconded by Member Smith 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.

Vice- Chairman Crowley asked if any member of the public wished to speak. There was no response.

#### **V. HEALTH OFFICER & STAFF REPORTS**

Dr. Kwalick informed the Board that there is a potential delay in receiving the flu vaccine again this year. The District is in the pipeline and hoping to get the vaccine in early fall.

#### **VI. INFORMATIONAL ITEMS**

*Duly Noted*

##### **A. Board of Health:**

1. Letters of Appointment: North Las Vegas and Henderson City Clerk's Office

##### **B. Administration:**

1. Mid July 2001 – Mid August 2001 Monthly Activity Report
2. Financial Data - Revenues and Expenditures for Fund 705 (Operating), 706 (Capital Reserve), and 762 (Liability Reserve) for the Month of July 2001
3. Emergency Medical Services Medical Advisory Board Minutes and Annotated Agenda
4. Health Education July 2001 Monthly Report

5. Epidemiology July 2001 Monthly Report
6. Public Information July 2001 Report
7. Letters of Appreciation: Jeanne Palmer, Health Education Promotion Manager & Jane Shunney, RN, Assistant to the Health Officer

**C. Environmental Health:**

1. June 2001 Monthly Activity Report
2. Listing of Food Establishments in Plan Review for the Period of 07/01/01 to 07/31/01

**D. Nursing and Clinics:**

1. July 2001 Monthly Activity Report
2. Tuberculosis Treatment and Control Clinic Report

**VII. ADJOURNMENT**

There being no further business to come before the Board, Vice-Chairman Crowley adjourned the meeting at 9:18 a.m.

**SUBMITTED FOR BOARD APPROVAL**

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

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