

APPENDIX F

Control Measure Development Process

APPENDIX F

CONTROL MEASURE DEVELOPMENT PROCESS

This appendix provides an overview and documentation of the process used by Clark County in developing air quality regulations. Chapter 4, Section 4.4 Control Measure Development, describes the process in detail. This process led to the preparation and ultimate adoption of the new Air Quality Regulations, Sections 90 through 94, and the Section 94 Handbook. It provided for the efficient development of feasible and enforceable regulations which will enable attainment of NAAQS in a timely fashion. Included in Section A of this appendix is the documentation for the 20 public workshops conducted as part of the rule development process. Documentation of the Notices for Public Comment Periods, Public Hearings, and adoption of the regulations by the Clark County Board of Health, are in Section B.

Background: A key part of the planning and procedures for control measure development is the interaction of the public in the planning and development process. Not only is this a requirement by the Federal Clean Air Act, it is logical to obtain feedback and/or input from the regulated community and other individuals who have interest in the process. Stakeholders, the general public, and the sensitive sub-population within the population of Clark County (people with breathing difficulties) have a significant interest in the attainment of the best air quality possible in the most economically feasible manner.

Need: As required by the CAAA, responsible agencies with the responsibility for development of the SIP are required to continually update and enhance the program for achieving the NAAQS. The control measure development process includes identification of new or amended rules. These can be derived from many sources, including an attainment plan, the Clean Air Act, and correspondence from the U. S. EPA or NDEP. A request from the Clark County Board of Health, County Staff, members of the public, or the regulated industries can also generate the rule making or amendment process.

Research Requirements: Clark County Department of Comprehensive Planning (CCDCP) staff have researched significant source categories for control techniques, emission reductions, cost, and similar regulations and control strategies in other jurisdictions. In addition, the CCDCP staff worked closely with the Health District Air Quality Division PM Research Advisory Committee (Advisory Committee) to scope research projects for developing new control techniques and regulatory approaches. Noteworthy research funded by the Clark County Board of Health on the recommendation of the Advisory Committee includes work on the effectiveness of dust suppressants by UNLV¹

¹ James, David, et al., *Estimation of PM₁₀ vacant land emissions factors for Unstable, Stable and Stabilized lands using data from 1995 and 1998-1999 UNLV wind tunnel studies of vacant and dust-suppressant treated lands*; prepared for the Clark County Department of Comprehensive Planning, Civil and Environmental Engineering Department, University of Nevada, Las Vegas, Second Final Report, January 16, 2001.

and development of best management practices for controlling dust from construction activities by Dames and Moore.¹ Lastly, Table 4-9 of Chapter 4 summarizes research recommended by the Advisory Committee and funded by the Clark County Health District Board of Health.

Public Workshops: Beginning in October of 1999, the CCDCP staff and the Clark County Health District Air Quality Division (AQD) staff jointly conducted a series of public workshops as listed in Section A, Table F-1. The focus of these workshops was to develop new fugitive dust controls for disturbed open areas and unpaved roads, and enhanced controls for construction activities. These public workshops were advertised, noticed, and opened to the public pursuant to the requirements of NRS 241, "Open Meeting Law". Copies of the dust rule workshop agenda's for the 20 workshops held in Clark County from October 1999 through November 2000 are provided in order of chronological occurrence. Chapter 4, Section 4.4.2 Public Workshops, details the history and development of the proposed rules, amendments to rules, and clarifications for the rules considered to address fugitive dust from a variety of sources.

Public Hearing Process to Consider Adoption: After public notice pursuant to NRS 241, a 30-day public comment period was scheduled for each regulation prior to consideration by the Clark County Board of Health. Section B, Table F-2 lists the public hearing and adoption dates for the new or amended Air Quality dust rules and regulations. Following the table are copies of the public hearing agenda's for the eight meetings that were held between March and November 2000. Chapter 4, Section 4.4.3 Public Hearing and Adoption, details the history, procedures and process dates for the rules, in addition to adoption dates by the Clark County Health District Board of Health.

¹ Dames & Moore, "Best Management Practices Manual for Dust Control by Soil Type", document 44499-001-131, prepared for the Clark County Health District Board of Health.

Appendix F
Section A

**Documentation for Rule Development
Workshops**

Table F-1

Rule Development Workshops

Rule Development Workshops	Date	Public Notification Procedure
Workshop on Dust Rules.	10/20/99	Mail outs & Posting in Key Locations.
Workshop on Vacant Land Dust Rules.	11/17/99	Mail outs & Posting in Key Locations.
Workshop on Vacant Land Dust Rules.	01/19/00	Mail outs & Posting in Key Locations
Workshop on Construction Activities Dust Mitigation Program - Review and Recommendations.	01/28/00	Mail outs & Posting in Key Locations.
Workshop on Vacant Land Dust Rules.	02/23/00	Mail outs & Posting in Key Locations.
Workshop on Vacant Land Dust Rules concerning Fugitive Dust from Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, Easements and Unpaved Shoulders.	03/08/00	Mail outs & Posting in Key Locations.
Workshop on Proposed Regulations for Fugitive Dust from Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, and Easements	03/29/00	Mail outs & Posting in Key Locations.
Workshop on Proposed New and Proposed Modified Regulations for Civil Penalties, Fugitive Dust from Paved Roads and Street Sweeping Equipment, Dust Control Permits for Construction Activities, Fugitive Dust from Construction Activities, and Fugitive Dust Control Standards.	04/04/00	Mail outs & Posting in Key Locations.
Workshop on Proposed Regulations for Fugitive Dust from Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, and Easements.	04/10/00	Mail outs & Posting in Key Locations.
Workshop on Proposed New and Proposed Modified Regulations for Civil Penalties, Fugitive Dust from Paved Roads and Street Sweeping Equipment, Dust Control Permits for Construction Activities, Fugitive Dust from Construction Activities, and Fugitive Dust Control Standards.	04/18/00	Mail outs & Posting in Key Locations.
Workshop on Proposed New and Proposed Modified Regulations for Civil Penalties, Fugitive Dust from Vacant Disturbed Lands including Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, Easements and Unpaved Shoulders Fugitive Dust from Paved Roads and Street Sweeping Equipment, Permitting and Dust Control for Construction Activities, and Best Management Practices for Construction Activities Dust Control.	05/23/00	Mail outs & Posting in Key Locations.
Workshop on Proposed New and Proposed Modified Regulations for Civil Penalties, Fugitive Dust from Vacant Disturbed Lands including Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, Easements and Unpaved Shoulders Fugitive Dust from Paved Roads and Street Sweeping Equipment, Permitting and Dust Control for Construction Activities, and Best Management Practices for Construction Activities Dust Control.	06/12/00	Mail outs & Posting in Key Locations.
Workshop on Section 94 Handbook, Construction Activities Dust Permitting and Best Management Practices for Dust Control.	07/06/00	Mail outs & Posting in Key Locations.
Workshop on Section 94 Handbook, Construction Activities Dust Permitting and Best Management Practices for Dust Control.	08/16/00	Mail outs & Posting in Key Locations.
Workshop on Regulations that will require Stabilization of Disturbed Vacant Land to Reduce Wind Blown Dust.	09/11/00	Mail outs & Posting in Key Locations.
Workshop on Regulations that will require Stabilization of Disturbed Vacant Land to Reduce Wind Blown Dust.	09/18/00	Mail outs & Posting in Key Locations.
Workshop to Review Draft "Clean-Up" Language revisions to recently adopted regulations for Civil Penalties (Section 9) and Permitting and Dust Control for Construction Activities (Section 94).	09/22/00	Mail outs & Posting in Key Locations.
Workshop on Regulations that will require Stabilization of Disturbed Vacant Land to Reduce Wind Blown Dust.	09/25/00	Mail outs & Posting in Key Locations.
Workshop on Regulations that will require Stabilization of Disturbed Vacant Land to Reduce Wind Blown Dust.	10/02/00	Mail outs & Posting in Key Locations.
Workshop on Proposed Changes – Modifications to Air Pollution Control Regulations - Section 0 (Definitions) and Section 93 (Fugitive Dust from Paved Roads and Street Sweeping Equipment).	11/08/00	Mail outs & Posting in Key Locations.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA DUST RULE WORKSHOP

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health.

1:30 P.M., October 20, 1999

APC Hearing Board Room, APCD Annex
625 Shadow Lane, Las Vegas NV 89106

Moderator: Michael H. Naylor, Director, Air Pollution Control Division

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Purpose of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

- Direction from Board of Health
- Review of Updated draft rule, entitled Section 46
- Review of Information received from prior workshops
- Area of Applicability
- Projects for Quantifying and Mapping of Vacant Land Areas with Loose Soil
- Stabilization, Fencing, Berms
- Compliance Schedule based on parcel size
- Test Methods to determine compliance/non compliance
- Inspection/Enforcement/Compliance Protocols
- Fees to Administer Program
- Staffing Ramp up

- IV. Citizen Participation
- V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of the CLARK COUNTY HEALTH DISTRICT;

That I have caused within notice the agenda of the October 20, 1999 Dust Rule Workshop, to be posted in the:

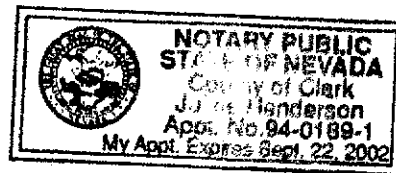
**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

Subscribed and sworn before me

This 14th day of October, 1999

NOTARY PUBLIC



RECEIVED
AFFIDAVIT OF POSTING APCD

1999 OCT 18 A 11:11

STATE OF NEVADA)

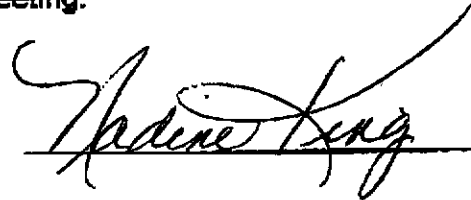
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the October 20, 1999, Dust Rule Workshop, to be posted in the:

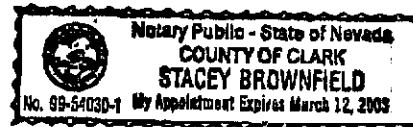
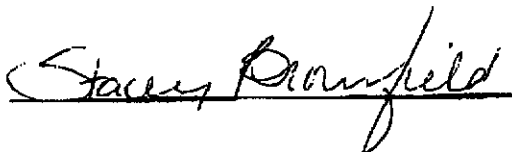
HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and worn before me,
this 14th day of October 1999.

NOTARY PUBLIC



RECEIVED
CCHD-APCD
1999 OCT 14 P 1:01

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the October 20, 1999 Dust Rule Workshop to be posted at:

:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMcClay
10/14/99

Subscribed and sworn before me,

this _____ day of _____, 1999.

NOTARY PUBLIC



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA VACANT LAND DUST RULE WORKSHOP

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health,

1:30 P.M., November 17, 1999

APC Hearing Board Room, APCD Annex
625 Shadow Lane, Las Vegas NV 89106

Presentations by District Air Pollution Control Division and Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Review of Notes from October 20 Workshop
2. Status of Valley-wide Emissions Inventory for 1998, Annual, and 24-hour Periods
3. Ongoing Emission Inventory Update Projects (Vacant Lands with Loose Soil, Paved Road Dust, Unpaved Roads)
4. Developing Microinventories of Emissions Near High-PM₁₀ Stations
5. Design Value and Background PM₁₀ Concentrations
6. Unpaved Roads Issues
 - a. Establishing traffic count threshold
 - b. Revision to Emission Reduction Credit Program
7. Suggested Primary Method of Determining Parcels and Areas for Mandating Dust Abatement (Unpaved Roads, Unpaved Parking Lots, Parcels with Visible Emissions)
8. Contingency Measures
9. Dry Lake Beds in Eldorado Valley
 - a. Does dust from dry lake beds contribute to urban PM₁₀ concentrations on high winds days?
 - b. Practical means of limiting dust in recreational use area
10. Test Methods: Satellite Imagery, Visible Emissions, Ball Drop Method, Other Methods Used in Maricopa County
11. Public Education Campaign
12. Input From EPA
13. Revising Rule 46

IV. Citizen Participation

V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of the CLARK COUNTY HEALTH DISTRICT;

That I have caused within notice the agenda of the November 17, 1999 Dust Rule Workshop, to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

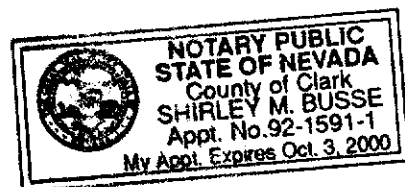
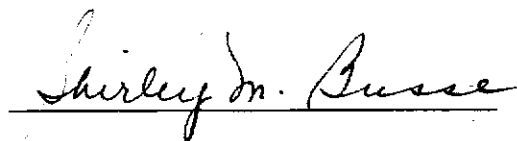
more than three (3) working days before such workshop.



Subscribed and sworn before me

This 10th day of Nov., 1999

NOTARY PUBLIC



AFFIDAVIT OF POSTING

RECEIVED
CCHD--APCD
NOV 10 P 2: 18

STATE OF NEVADA)

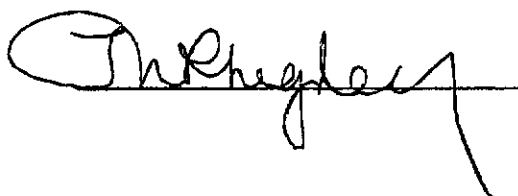
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the November 17, 1999, Dust Rule Workshop, to be posted in the:

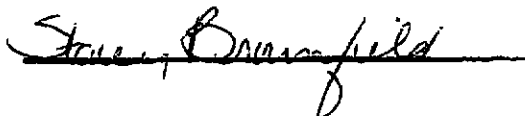
HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and worn before me,
this 10th day of November 1999.

NOTARY PUBLIC



RECEIVED
CCHO-APOD

NOV 10 P 2:51

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the November 17, 1999 Dust Rule Workshop to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMalay
11-10-99

Subscribed and sworn before me,

this _____ day of _____, 1999.

NOTARY PUBLIC

Vacant Land Dust Rule Workshop
November 17, 1999
Air Pollution Control Division Hearing Board Room
1:30 p.m.

Michael Naylor opened the workshop, allowing that it was in compliance with the open meeting law, as required. He asked that everyone remember to sign in. There were approximately 30 people in attendance.

This is the second workshop on the issue of developing a draft rule to regulate dust control on vacant land and unpaved roads. This workshop is being tape recorded.

The first item on the agenda was the notes from the October workshop. All was deemed to be in order; no changes were requested.

More information is needed to complete the tables provided on the status of the Valley-Wide Emissions Inventory.

Rodney Langston, CC Comp Planning, gave a brief update on ongoing projects, including Dames & Moore and the DRI study on silt loading samples to calibrate a mobile emissions measurement. This showed that paved roads with curbing on both sides had fewer emissions than those roads with only one or no curbing. This was not an unexpected finding. This directly affects trackout at construction sites. Silt-loading numbers came out significantly higher this year (1999) than in prior years. The calculations will need to be reevaluated. Final study results will be available around the end of the year.

Dust from unpaved roads reflects the amount of paving done by municipalities. There are now about 130 miles of unpaved road that are being publicly maintained. Most of these roads are in the unincorporated part of Clark County. More accurate traffic counts are needed. The latest reentrainment shows 1500 tons per year, with wind erosion responsible for 140.

Mike Sword reported on the satellite project to be used to determine the amount of dust generated by disturbed vacant land. A pilot study was done a year ago to categorize the nature of disturbed land, with good results. The PM10 committee reviewed several proposals to do an inventory, and will submit a recommendation to the Board of Health. This should provide an accurate inventory by April. Rodney Langston spoke about the UNLV project to do an assessment of disturbed areas of one-half an acre or larger, then a sample of a cross-section of those areas to determine the erodability factors. "Disturbed" is defined here as "devegetated." This study will provide a cross section of disturbed area to calibrate the spectral signatures for the satellite study, and will

give a fallback interim emission inventory for the sources if the satellite study results are unsatisfactory.

A question arose regarding the difference between identifying trackout from a site versus trackon to a paved road surface. It's important to keep track of the proportions of the material and emissions from it in order not to count it twice.

Item IV on the agenda concerned developing microinventories of emissions near high-PM₁₀ monitoring stations. This would inventory an area 16 square kilometers around the five highest sites. Currently, 5 sites are targeted. Dames & Moore is doing this, with a delivery date in January or February.

Michael Naylor addressed the issue of non-attainment, indicating with tables the attainment/non-attainment status of the various monitoring sites in the Vegas Valley. Only one site is clearly not in attainment for the yearly standard; 5 sites are in non-attainment for daily standards. The Apex site has only been running for 2 years, so there isn't enough data yet for daily attainment standards for this site. Michael referenced the notes to show how attainment is determined. The Green Valley site would need 50% reduction in measured emissions to reach compliance. On high wind days from 1996 on, the highest measurements were obtained on days with SW winds with wind gusts over 40 mph, resulting in exceedances. Background emissions will always be there, even if all emissions in the valley are eliminated. To reach 50% reduction in emissions, actual emissions would need to be reduced by more than 50%, because of the background emissions. Vacant land rules for dust control will be a key part of meeting that reduction.

The original draft rule made no provision for unpaved roads. The workshops Comprehensive Planning hosted included discussion of unpaved roads, however, so there is a question as to whether or not they should be included. Consensus was to include them, as there is a poor chance the rule would be approved otherwise. The suggested threshold for paving is 50 vehicular trips per day. The Maricopa County rule, which this one is based on, will be disapproved by EPA because of the traffic levels it names. (There was some discussion on what this number is.) It is imperative that the traffic counts be determined by a third party.

A question from Lori Wohletz, City of Las Vegas, concerned whether paving of a road with traffic counts between 50-150 could be claimed for credit, as is currently the case, or not, since paving would be mandatory. Michael Naylor explained that compliance is mandated by 2001, so any paving done before then would earn credits, with credit earned after that date only on paving roads with less than 50 traffic count. Lori expressed concern that there is little incentive for the property owner to pave, since the burden of paving would then fall upon the municipality, which is already pressed by time and budget constraints. There was also concern from her and other workshop participants about paving a road

that was then to be torn up for either utility installation/maintenance or expansion in transportation projects, as well as issues with dedicated right-of-way, such as with BLM land. Interim controls were discussed as a possible work-around. A question was asked whether or not District funds, specifically PM10 funds, could be used to help alleviate the financial burden of paving. PM10 credit funds could not be applied to projects where RTC was going to supply the funds. Paul Fransioli brought up the question of soil types and emission rates, and their contribution to exceedance rates. Michael pointed out that the most erodible soils are in the eastern part of the valley, but focusing on paving roads there was not going to solve the problem of a homeowner who happens to live next to an unpaved road that's generating dust, regardless of its soil type. Rodney referred to the Maricopa County example of implementing paving requirements on a time line based on total traffic counts. Michael felt perhaps the ERC program needed to be revamped, funding needed to be looked at, and compliance dates needed to be pushed back, in light of this discussion.

Next on the agenda was the primary method of determining parcels and areas for mandating dust abatement. At the last workshop, it was suggested that the acreage of a parcel be used as the trigger for phasing in the requirement to abate dust. Michael pointed out that several adjacent small parcels could be responsible for creating as much dust as one, larger, parcel. He suggested looking the actual visible emissions, with 3 criteria used to determine these parcels:

1. Unpaved roads with traffic counts exceeding a certain threshold, with compliance to be effected over a time schedule.
2. All unpaved parking lots to be treated for dust abatement.
3. Vacant areas and vacant lots where blowing dust is observed and/or fail the drop ball test.

Using the day's windiness as an example, Michael pointed out that determining the exact source of blowing dust isn't as easy as it might seem. The drop ball test can specifically verify loose soil. The Maricopa rule, while it calls for the drop ball test to be used, does not specify on how many locations on the property it be done. This is one of EPA's criticisms of their plan. In actuality, Maricopa rarely utilizes the test, their air pollution control surveillance being almost exclusively complaint-driven. Harold Glasser wasn't certain if the drop ball information is even entered into a database there. Michael suggested that visits to the property, in context with the satellite data and complaints, would be a more effective means of identifying emission sources. He noted that APCD intends to add 10 additional staff, and proposed that the fee assessment to owners of vacant land emitting dust be used to fund the additional staff requirements.

Mike Sword suggested that controlling access to the land by fencing and posting would be an effective way to stop trespassing; it then becomes a Metro problem,

which is currently the case with dust being generated by off-road vehicles. This led to a discussion of the involvement of state land, specifically land graded for weed control. It was felt that the state and federal entities are fairly cavalier about dust control, even though, as Michael Naylor pointed out, there is no property exempt from the regulations. Some activities, however, are not required to have a dust control permit - grading for flood control or other maintenance activity, for example. Upon consideration, he stated that perhaps permits, specifying dust control and abatement, should be required, and that construction activity rules need to be amended to include maintenance. This last is currently underway, with Dames & Moore's "Best Management Practices" study. At any event, this provision needs to be revisited.

Lori Wohletz questioned a phrase in the proposed rule referring to the authority of the Health District to apply suppressant where necessary and place a lien against private property. Ian Ross verified the authority, adding there is "no enthusiasm" to do so. Considerable discussion ensued on this topic, with Michael concluding that although the Health District has the authority to place a lien, it has never been, and likely never will be, done, for many reasons. It is virtually a certainty that any property owner found in violation of the regulation would be first issued a warning, then a CAO or NOV, with remedial action by the CCHD as a last resort.

Concerning performance-based standards in the rule, Michael said that work was still being done on concepts, that refinement of the actual performance-based standards would be in the final regulation, based upon what is currently being used for construction activity (20% opacity, 100 yards, etc.).

A question was raised concerning the definition of "parking lot" as used in the draft rule, which was determined to be "5000 square feet or more of unpaved land used for storing vehicles."

At this point, Michael opted to skip over the "contingency measures" portion of the agenda, saying it would be redefined for the next workshop, but assuring that "if this doesn't work, there will be a Plan B," and proceeded to Item IX, dry lake beds surrounding the Las Vegas area. The question of whether or not dust from the dry lake beds contributes to PM10 pollution in the Vegas Valley on high winds days is not clear. The hypothesis is that dust raised never makes it into this area, and monitoring at sites in Jean and Boulder City would seem to support this. More information is necessary to fully answer this question, including the impact recreational-vehicle use has on the PM10 levels. It was suggested that desert conservation groups and recreational vehicle groups be invited to participate in the dust rule process. Lewis Wallenmeyer brought up the military impact as well, stating that cluster bombs dropped on the lake bed at Indian Springs was capable of turning over 5 acres of dirt at a time.

Test methods were discussed next. The satellite imaging will be available in April; we are already using visible emission standards. Art Bashor, answering a question concerning Method 9, opined that it doesn't work well on vacant land, preferring the 100-yard plume, across property line rule better. The drop ball test was explained: the ball must be 5/8" in diameter, dropped from a height of 12" three times in a 12 square inch radius. The land fails if the ball cracks the crust or is buried in the dirt, and passes if the ball bounces. Maricopa requires the land fail 6 tests, which is proving to be unwieldy. Rodney Langston mentioned that new information indicates that the amount of vegetation called for in the plan is unnecessary: depending on the type of vegetation, as little as 30% coverage is adequate. He will be in contact with Maricopa County to explore this further.

The next issue is the Public Awareness Campaign. This is crucial to effective implementation of any vacant land dust rule, as there are several thousand property owners out there who could be affected by it. Unfortunately, media coverage has implied that the draft rule is only of concern or application to developers, not the private land owner. Several recommendations and suggestions were made on how to initiate and proceed with such a campaign, including public service announcements, more specific information in media interviews, CCHD web site information, and contacting homeowners' associations. Lori suggested that information be included in the property tax bills, to ensure that out-of-state owners be informed. The suggestion was also made that that information be included when a dust permit is obtained. Lewis mentioned in passing the problem generated by those who engage in illegal dumping; this group would be next to impossible to reach. Rodney Langston also mentioned the possibility of doing a trade show on dust control suppressants and equipments, as having been done elsewhere, which could generate media interest. This has apparently met with lukewarm interest, however.

Input from EPA is necessary, but hasn't been solicited yet.

Draft rule 46 was discussed at last meeting, and with the input from today's workshop, can be rewritten for further discussion and the next workshop, with the ultimate goal of obtaining EPA approval. January 19th was tentatively decided as the date of that next workshop; a rewrite of the rule should be mailed out two weeks prior.

The meeting was adjourned at 3:30 p.m.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA VACANT LAND DUST RULE WORKSHOP

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health.

1:30 P.M., January 19, 2000

APC Hearing Board Room, APCD Annex
625 Shadow Lane, Las Vegas NV 89106

Presentations by District Air Pollution Control Division and Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Review of Notes from November 17 Workshop
2. Update of Vacant Lot Satellite Mapping project (Kleinfelder)
3. Review of new draft rule (Comprehensive Planning)
4. Lessons learned from excess PM_{10} episodes on December 1 and 7, 1999 (Air Pollution Control Division Enforcement Staff)
5. Update on DCP's Valley-Wide PM_{10} emission Inventory development (Comprehensive Planning)
6. Updates on sanctions clock and RTC development of new Regional Plan for January 2001 (Comprehensive Planning)

- IV. Citizen Participation
- V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

Jan-07-00 03:04pm

From-AIR POLLUTION CONTROL

17023831443

T-406 P.02/03 F-864

RECEIVED
CCPD-APCD

JAN 12 P 2:15

AFFIDAVIT OF POSTING

STATE OF NEVADA)

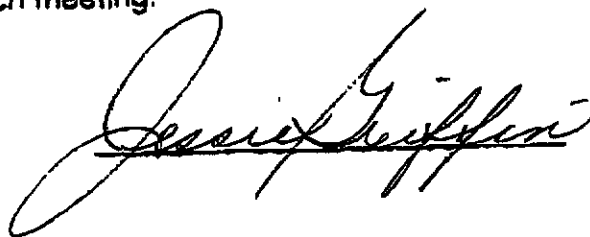
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the January 19, 2000, Dust Rule Workshop to be posted in the:

Mesquite City Hall

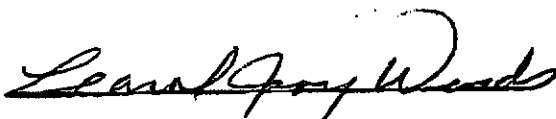
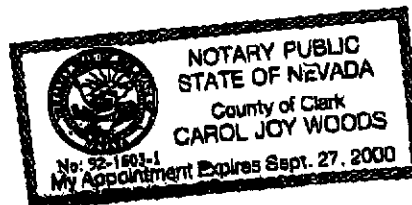
more than three (3) work days before such meeting.



Subscribed and sworn before me,

this 12 day of January, 2000.

NOTARY PUBLIC



RECEIVED
CCHD-APCOB
20 JAN 10 A 10:17

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the January 20, 2000, Dust Rule Workshop to be posted in the:


HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 10th day of JANUARY 2000.

NOTARY PUBLIC



RECEIVED
COND-APCC

JAN 10 A 11:25

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the January 19, 2000, Dust Rule Workshop to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMC

1-11-00

Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of the CLARK COUNTY HEALTH DISTRICT;

That I have caused within notice the agenda of the January 20, 2000, Dust Rule Workshop to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

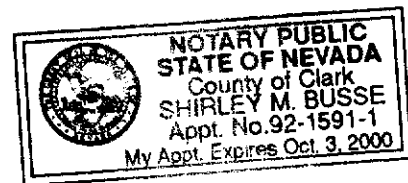
Samuel Dubrowsky

Subscribed and sworn before me

This 10th day of Jan., 2000

NOTARY PUBLIC

Shirley M. Busse



DRAFT WORKSHOP FOR VACANT DISTURBED LAND

Wednesday, January 19, 2000

1:30 PM

Air Quality Division Hearing Board Room

Attending:

Art Bashor, Air Quality Division
Terri Barber, Homebuilders
Jack Bingham, Air Quality Division
Jack Bingham, Air Quality Division
Troy Crain, Broadbent & Associates
Russell Erbes, Kleinfelder
Harold Glasser, Air Quality Division.
Peter Gulash, Kleinfelder
Warwick Hall
Troy Hildreth, Envirocon
Marnie Hilton, Signature Homes
Phil Klevatorick, Air Quality Division
Steve Koon, City of Boulder City
Rodney Langston, Clark County
Comprehensive Planning
Ed Lubbers, Southern Nevada
Homebuilders
Leslie Long, City of North Las Vegas
Public Works

Carrie MacDougall, Dames & Moore
Rick Matar, Clark County Comprehensive
Planning
Cheryl McDonnell-Canan, Air Quality
Division
Floyd Mundt, Clark County School District
Michael Naylor, Director, Air Quality
Division
Phil Petrocco, Soil Tech
Russell Roberts, Clark County
Comprehensive Planning
Ian Ross, CCHD Legal Council
Robert Troisi, Ninyo & Moore
Roy Thompson, Homebuilders
Lewis Wallenmeyer, Air Quality Division
Lori Wohletz, City of Las Vegas
Mike Winston, Air Quality Division

Michael Naylor opened the workshop at 1:30 p.m. by acknowledging compliance with the Open Meeting Laws, followed by introductions of all those attending. The meeting proceeded with the Review of Notes from the November 17 Workshop. There were no comments on the notes at this time.

The next topic, the Vacant Land Satellite Mapping project, was discussed by Russell Erbes and Peter Gulash of Kleinfelder, who spoke on the objectives of the study, the methodology, the schedule and the progress to date. By using satellite technology, vacant land is to be inventoried and categorized by the end of April. This information will be of value to the implementation of the Disturbed Vacant Land Rule, once it is documented and implemented. Owners of vacant land will be notified if their property needs stabilization, and enforcement officers will be able to do enhanced surveillance on windy days. Landowners were notified at the beginning of the workshop process, but there was a question as to further notification at the end of the inventory, prior to public hearings.

Rodney Langston then gave a synopsis of the current draft of Section 46. Discussion centered on individual property owners determining adherence to certain standards, such as "20% opacity,"

accessibility issues (as applied to trespassers), and stabilization criteria. Further discussion on the definition of "parking lot," the drop ball test and issuing CAOs also took place.

There was some question as to what the Kleinfelder satellite study would identify. Cheryl McDonnell-Canan emphasized that the study wouldn't identify the quality of soil on the vacant land, i.e., whether or not that property had to potential to emit dust, it would just identify those parcels that were emitting dust at the particular time of the image. Lewis Wallenmeyer suggested that the study could show trends in the patterns of disturbance.

Mike Winston, an APC Enforcement Officer, requested an alternative field test to gauge dust potential.

Art Bashor gave a slide presentation showing the PM₁₀ exceedances of December 1 and 7. He stated that issues brought up at the last workshop were taken to heart by the Enforcement section. He identified a "high wind day" as one having winds of 30-40 mph, and thus leads to exceedance, as opposed to construction activity exceedances on non-high wind days, or traffic activity on non-paved roads. He also had several observations, such as that not all land is a source of dust. There are particular problem areas, such as the Golden Triangle area of North Las Vegas. Also, the pattern of disturbance is diffuse, consisting of non-discrete areas of disturbance extending across several different parcels. In addition, multiple property owners, some private, some government, contributes to the complexity of the situation. He also mentioned the difficulty of opacity reading, which were developed for stack emissions, not fugitive emissions such as dust. Lori Wohletz questioned the enforceability of a rule that does not give an EPA method. Art stated that there are limited tools available for exceedance determination, none perfectly suited to the task, but workable.

Art also gave convincing evidence of the relationship between exceedance days and moisture (e.g., rainfall or other watering method), regardless of the type of soil. Some soils are more easily erodable than others, but all respond well to being watered. He also showed examples of natural desert pavement, which is naturally stabilized, and disturbed desert pavement, which is highly conducive to dust emission. Natural desert crust is easily broken by off-road vehicle use, but controlling that type of activity is difficult.

Rick Matar gave the report on the Valley-wide PM₁₀ Inventory, which is a comprehensive emission inventory for the entire valley (see attached report), including carbon monoxide, NO_x and SO_x. Russell Roberts spoke about the EPA sanctions clocks, and related mobile source emission requisite budget concerns.

There was no Citizen Participation apart from the questions addressed to specific items. Carrie MacDougall spoke about the upcoming Best Management Practices workshop.

The next workshop is scheduled for February 23, 2000



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA CONSTRUCTION ACTIVITIES DUST MITIGATION PROGRAM REVIEW AND RECOMMENDATIONS WORKSHOP

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health.

9:00 A.M. - Noon., January 28, 2000

APC Hearing Board Room, APCD Annex
625 Shadow Lane, Las Vegas NV 89106

Presentations by Dames & Moore

The PM Emissions Control Research Advisory Committee has commissioned a study to evaluate the existing program for controlling emissions of particulate matter from construction sites to determine methods by which those emissions might be further reduced. The evaluation included: 1) a review of the existing program and recommendations for potential improvement; and 2) an evaluation of the feasibility of incorporation of a best management practices manual into the program and the development of such a manual.

The contractor has provided draft recommendations for changing the existing construction activities program and incorporating a best management practices manual. The recommendations include the following program elements:

- Regulation 17;
- Regulation 41
- Permitting process;
- Permitting forms;
- Penalty amounts;
- Site-Specific dust mitigation plans;
- Inter-agency coordination;
- Establishment of a compliance liaison;
- Mitigation measures based upon soil type; and
- Establishment of a best management practices manual.

Copies of the draft reports can be obtained from the Clark County Health District Air Pollution Control Division.

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of the ~~CLARK COUNTY HEALTH DISTRICT;~~ *MAC'S DELIVERY*

That I have caused within notice the agenda of the January 25 Construction Activities Dust Mitigation Program Review and Recommendations Workshop to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

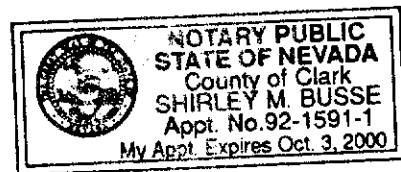
Arnold D. Busse by Mac's Del.

Subscribed and sworn before me

This 25th day of Jan, 2000

NOTARY PUBLIC

Shirley M. Busse



RECEIVED
COND-APCD

AFFIDAVIT OF POSTING

JAN 24 A 7 20

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the January 25 Construction Activities Dust Mitigation Program Review and Recommendations Workshop to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

[Signature]
1-24-00

Subscribed and sworn before me,
this _____ day of _____, 2000.

NOTARY PUBLIC

RECEIVED
COND-APCB

AFFIDAVIT OF POSTING

00 JAN 24 P 12:00

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the January 25 Construction Activities Dust Mitigation Program Review and Recommendations Workshop to be posted in the:

HENDERSON CITY HALL

more than three (3) work days before such meeting.

George Pugh

Subscribed and sworn before me,
this 24th day of JANUARY 2000.

NOTARY PUBLIC

Stacey Brownfield





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA VACANT LAND DUST RULE WORKSHOP

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health,

1:30 P.M., February 23, 2000

AQ Hearing Board Room, AQD Annex
625 Shadow Lane, Las Vegas NV 89106

MHN

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning and Maricopa (AZ) County Environmental Services Department

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Review of Notes from January 19 Workshop
2. Review letter from EPA commenting on Draft Rule 46, "Fugitive Dust From Open Areas, Vacant Lots, and Unpaved Parking Lots, Unpaved Roads, and Unpaved Shoulders"
3. Review results of meeting with EPA on February 17 and 18, 2000
4. Review public information fact sheets on local agency perspectives for Phoenix area
5. Review and discuss updates to Rule 46:
 - applicability criteria, phasing in compliance, enforcement policy, test methods
 - lots and areas with vehicle access
 - lots and areas without vehicle access
 - unpaved parking lots
 - unpaved roads
 - unstabilized road shoulders
6. Status of satellite mapping project
7. Status of developing State Implementation Plan for PM₁₀
8. Possible presentation of draft regulations to March 26, 2000, Board of Health to set public hearing on April 27, 2000

IV. Citizen Participation

V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

RECEIVED
CCHD-APCD
7^{PM} FEB 16 P 3:55

STATE OF NEVADA)

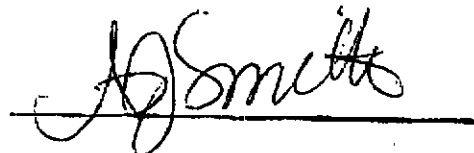
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the February 23, 2000, Dust Rule Workshop to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this 16 day of February, 2000.

NOTARY PUBLIC

Feb-16-00 11:25am From-AIR POLLUTION CONTROL

17023891443

T-026 P.02/03 F-578

RECEIVED
COHD-APCD

700 FEB 17 P 1:15

AFFIDAVIT OF POSTING

STATE OF NEVADA)

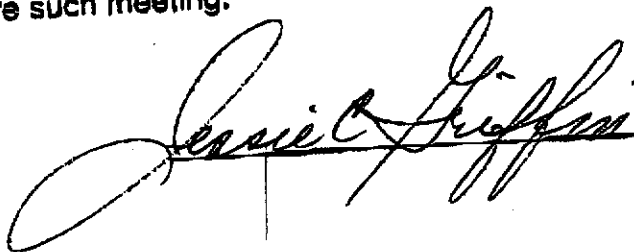
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the February 23, 2000. Dust Rule Workshop to be posted in the:

Mesquite City Hall

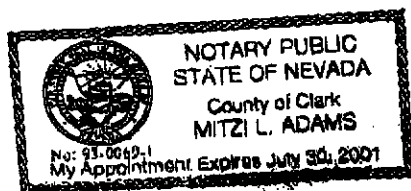
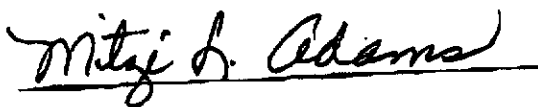
more than three (3) work days before such meeting.



Subscribed and sworn before me.

this 17th day of Feb, 2000.

NOTARY PUBLIC



AFFIDAVIT OF POSTING

STATE OF NEVADA)

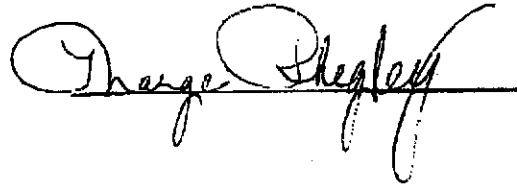
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the February 23, 2000, Dust Rule Workshop to be posted in the:

HENDERSON CITY HALL

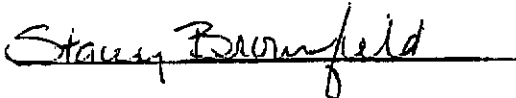
more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 11th day of February 2000.



NOTARY PUBLIC



RECEIVED
CCHO-APCB

FEB 16 P 1:36

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda of the February 23, 2000, Dust Rule Workshop to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMcKay
2-16-00

Subscribed and sworn before me,
this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of Mac's Delivery Service;

That I have caused within notice the agenda of the February 23, 2000, Dust Rule Workshop to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

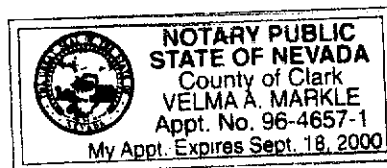
Christopher Infante

Subscribed and sworn before me

This 16th day of February, 2000

NOTARY PUBLIC

Velma A. Markle



RCVD APCD

2000 FEB 17 A 11:00

AFFIDAVIT OF MAILING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

I mailed the agenda of the February 23, 2000 meeting of the Vacant Land Dust Rule Workshop to all names on the attached distribution list for such mailings at the

U. S. Postal Service Juniper Valley Street on 2/16/00/13:20 p
(Location) (Date/Time)

in accordance with the provisions of NRS 241.020 (3)(b).

John Kopsch
Signature:

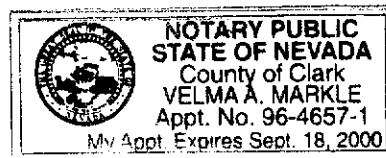
€ Clark County Health District Employee

Subscribed and sworn to before me

this 16th day of February 20 00

Velma A. Markle

NOTARY PUBLIC



DRAFT WORKSHOP FOR VACANT DISTURBED LAND

Wednesday, February 23, 2000

1:30 PM

Air Quality Division Hearing Board Room

Participants in the workshop include:

Bruce Arkoll, Clark County
Art Bashor, Air Quality Division
David Breault, Las Vegas Paving
W. Sam Brown, Lockheed Martin
Shannon Casey, City of Henderson
Will Cates, CC Department of
Comprehensive Planning
Jo Crumbaker, Maricopa County (AZ)
Environmental Services Department
Paul Fransioli, PM Research Advisory
Committee
Harold Glasser, Air Quality Division
Jim Good, Midwest Industrial
Peter Gulash, Kleinfelder
Judy Hartwell, Air Quality Division
Lori Headrick, Converse
Troy Hildreth, Envirocon
Alec Hurt, SNWA
David James, UNLV
Ken Koshiro, City of Henderson
Rodney Langston CC Department of
Comprehensive Planning
Judy Laws, SNWA and Conservation
District of SN
Chuck Livens, Copperstate Emulsions

Leslie Long, City of North Las Vegas
Ed Lubbers, So. Nevada Homebuilders
Association
Carrie MacDougall, Dames and Moore
Cheryl McDonnell, Air Quality Division
Gary Melton, Associated General
Contractors
Alan Miles, Golden West
Berlyn Miller, NCA
Gary Millikin, AGC
Floyd Mundt, CC School District
Michael Naylor, director, Air Quality
Division
Phil Petrocco, Soil Tech
Jason Pierce, Golden West
Joe Pittman, citizen
Anne Pittman, citizen
Russell Roberts, CC Department of
Comprehensive Planning
Randy Robison, Gregory and Associates
Dick Serdoz, NDEP-LV
Jennifer Sizemore, CC Health District
Andrew Sorender, Sanitation District
Robert Troisi, Ninyo & Moore
Lew Wallenmeyer, Air Quality Division

Michael opened the workshop noting compliance with the Open Meeting Law. The agenda has been posted here at the Health District, Clark County Government Center, Las Vegas City Hall, North Las Vegas City Hall, Boulder City Hall, Henderson City Hall, Mesquite City Hall, Laughlin City Hall.

This is meant to be an interactive format and comments from the public are welcome.

The notes from the 1/19 workshop are available for handout. Michael wanted to insure accurateness of these notes. He mentioned there was no representative from Kleinfelder at the meeting. He referenced the paragraph on the second page of the notes. There was some question as to what the Kleinfelder satellite survey will identify. Cheryl and Lew of the Air Quality

Division were questioned as to the proper quote of Kleinfelders report noted in the notes of the prior workshop. There was confirmation from both.

Lew stated the question was in reference as to what the value of the inventory would be; i.e., useful for a long time and it was suggested that over time, the identified conditions could obviously change. Conditions could be changed in a week's time on any given parcel of land. Also, trends and patterns of disturbance would be revealed if repeat evaluations were done, trends would show location of the types of disturbance, and expectations for disturbance from continuing development.

Cheryl mentioned that in looking at the quantification as to how much disturbed land we had in each of the 6 categories, the study would show the quantity. Michael rephrased that the time frame is not too far off.

Michael stated that the notes are intended to cover the topics that were discussed at the prior workshop. He invited comments or corrections to those notes from the public.

Regarding the letter from EPA - dated January 26, Michael set the record straight to the public that Rodney Langston was not a part of the Air Quality Division of CCHD. The main message from EPA was that if the issue at hand was a victory with EPA regarding the rules for vacant lots, the rules should define the adoption of those rules by Maricopa County.

Rodney offered his comments by stating the revised draft, proposed to date does meet the requirements and addresses the issues successfully.

The letter from EPA, signed by Andrew Steckel to Karen Irwin who actually wrote the comments and she was among several people that Michael met with on 2/17-18 of last week.

Russell references the EPA letter stating there were some small-scale issues related to EPA's request for Las Vegas to explicitly address source categories and the SIP. He further stated that EPA used, as an example, the agricultural tilling operations. EPA would like to see this listed and if the value is zero for the Valley, an explanation is requested. EPA does not want the rule to ignore these kinds of operations and not reference them. Russell was encouraged that similar to what is going on in Arizona, EPA understood and generally supported the concept of "on discovery" as long as it was coupled with a very good proactive enforcement program, i.e., not just a rule that is triggered by some size category of parcel or some average daily traffic figure on unpaved roads.

Russell believes there are some positive signals from EPA that they would accept a change in the wording allowing the rule to be triggered upon discovery. This is viewed as a very strong commitment and ability to enforce it. EPA wants to see people from the Health District out in the field every day in larger numbers than currently exist today. Conceptually, this is understood by the participants. Modeling methodology that is proposed to be used as part of demonstrating how the PM₁₀ standard is going to be met was discussed at the meeting last week. Russell stated he was not aware of any negativity from EPA. EPA understands the concept and why. EPA

provided options. Russell views them as being in a problem-solving mode rather than a critical mode. Some of the options are better than others and EPA recognizes this. Generally, EPA understands what is being done and supports it. Russell received no indication from EPA that they felt a SIP developed along the lines was a dead-on-arrival end result.

Rodney brought up the point that EPA requests commitment from us to adopting additional test methods.

Michael stated the Research Committee has some possible test methods that they would like to develop. EPA is interested in other entity research.

Michael reminded the group of the sanctions clock - carbon monoxide plan. The carbon monoxide sanctions clock has started and the plan that was submitted has some discrepancies. Russell stated they have begun on the "failure to submit" on time. There was a 1997 PM₁₀ plan submitted that EPA verbally stated they disapproved. Another plan will be published and felt this might be in a month or so. Russell states EPA is going to disapprove, the 91, 94 and 97 PM₁₀ SIPs. The timeframe for this will come from the region administrator and he will initiate the process by signing a Notice of Intent to disapprove somewhere around the first of March. This will depend upon the latitude she wants to grant Clark County as to when that takes effect. It must go through Federal Register Notification, a public comment period and there is a period of time, under the law that has to transpire after which it becomes final. This would then start the sanctions clock with disapproval of this SIP. This could take as short as 60 days, as long as 90 days, perhaps 120 days at the outside depending on how timely EPA is with getting the letter signed by the regional administrator and getting that notice published in the formal register. Sanction clocks to problem begin in June and the accompanying freeze on transportation conformity between June and July of this year.

The next topic was the Public Information Fact Sheets. Michael presented the informational fact sheets that EPA has mailed out to the community in Maricopa County. As the Outreach Program is developed here, the assumption is made that there will be plans similar to those in place in Maricopa. One fact sheet is entitled "When Do Vacant Lot Requirements Apply?" Another fact sheet is entitled "Unpaved Roads and Unpaved Parking Lots." The "Reasonable Available Control Measures For Vacant Lots And Open Areas" sheet discusses motor vehicle disturbances and disturbed surfaces. One sheet is entitled "When Do Unpaved Parking Lot Requirements Apply And What Is Required?" These fact sheets all relate to the Maricopa County Rule. The information sheets do not "fit the proposed rule" in the area of addressing provisions for vegetative cover. The rest of the fact sheets are similar to those that Clark County will be using.

Michael introduced Jo Crumbaker from the Maricopa County Environmental Services Department, who has been invited to explain the Maricopa County situation and answer our questions. She spoke on the EPA study last summer involving 50,000 owners. The EPA's initial effort was a radio campaign that began in February of last year. The requirements were forthcoming. EPA was trying to figure out and identify vacant lots and the assessor's database. The list resulted was 130,000 parcels of which there were 50,000 owners. Beginning in early June of 1999, EPA did individual mailings, 5,000 at a time every two weeks. EPA had a hotline

that people could call upon receipt of the letter. Maricopa County received the overflow calls. There was a misunderstanding among the owners in thinking their parcel(s) was disturbed. One of the major points of contention has been the test methods themselves. EPA currently is conducting a research project in Phoenix. This research project is aimed at active construction sites. Maricopa County has been working with some of the cities in a joint effort of how to simplify some of the test methods that are in the rule currently. On the open areas in vacant lots, it is a time-consuming process. One of the agreements that Maricopa County had to work out is agreeing to inspect a number of vacant lots every month without the SIP submittal. A target of addressing initially, the larger of the vacant lots (above 50 acres) is currently being undertaken. Many of the parcels are in a number of subdivisions that aren't even built yet. Those areas currently are not disturbed. Maricopa County has developed more simple techniques that are more visual. If the lot appears to be stable, Maricopa County does not automatically perform all of the tests at all. The condition of the lot is checked before formal test methods are put into place. Contractors have been hired to go to properties and check the various lands and subsequently, a program has been developed for bringing all of the properties up to standards that are listed in the rule. The City of Phoenix had an almost 6 million dollar project to bring all of their land and some existing unpaved roads into compliance. There was about 600 acres around the airport that were stabilized. The County is in the process of solving the problem parcels. The County is responsible for the delinquent tax properties.

Will Cates asked for a percentage of total vacant land that requires stabilization. Jo stated Maricopa County had no amount available but that these types of rains generate the growth of weeds and their challenge was the property owners receive notice from the fire department for weed abatement. The inventory is ever-changing as to what is actually disturbed and what isn't disturbed. The notices encourage alternative modes such as mowing, where possible and doing what we can to minimize the effects of this. The problems with growth rate contribute to this challenge. There is property that is moving from different uses across the valley and in fact, some of the higher values actually occur in the area where there is agricultural land that is transitioning to housing developments and other commercial developments. Another area of concern is very fragile silty soil. It happens to be in a highly industrialized area near the river bottom and this is an area that is challenging and affected some of our neighborhood scale sites for the first time in about 4-5 years. The drought conditions provide the impact.

Michael posed the question regarding compliance. There are at least 25 inspections of vacant lots and unpaved parking lots per month and more than exceeding the quota. Frequently, a simple test such as a visual inspection is sufficient to deem the property stabilized. If there might be a problem, there are up to 6 tests in an array that can be done to determine if stabilization is needed. If there are 25 or more inspections a month, is the County finding the property not in compliance? Jo stated that she didn't bring statistics with her. One of the things that happens is the spring rains restabilize. If we have rain, this will stabilize even the vacant properties. Michael posed a question regarding the vacant lot inspectors going out. There would probably be 100% compliance with the recent rain. He inquired as to the number of staff assigned to do these inspections. Jo stated that a total of 11 active people in the field that are actually conducting the field inspections and do a combination of both construction and vacant lands. Michael inquired as to whether more staff would be added. Jo stated that at the moment, the first design is to take

a look at the number of sites. EPA stated two proactive inspectors was not enough. Maricopa County demonstrated to EPA the number of sites that Maricopa County can do and now that EPA has been in Phoenix, having actual ground experience, EPA is becoming more of a realist in terms of what the anticipated expectations can be.

Russell inquired as to a question raised last week by Michael at the EPA meeting regarding the methodology of number of staff required to enforce this rule. EPA offered no formula on this, i.e, number of acres requiring X number of staff for rule effectiveness.

Jo pointed out they have some support on these particular sources; the open areas, vacant lots and unpaved parking lots and unpaved roads from some of the city codes.

Russell inquired as to the test method used most. Jo stated the drop ball test method is used the most. Russell wonders, in terms of control measures for accessed areas, what has been done. Jo states there is chain link fences in place, concrete parking barriers, and signs are posted in the middle of the driveways to prevent people from coming onto the property as well. Some of the cities have programs where no trespassing signs are in place and the property owner must sign with the city, a consent and agreement to prosecute anybody caught on the property that has so-signed.

Robert Troisi spoke on the possibility that the County could supplement its forces with professional consultants that are experts in the field to meet compliance more quickly. In this manner, the County would not have to hire the entire force and maintain staff for a long period of time. Michael stated this was certainly a possibility. Jo was asked if Maricopa County's rule replaced an existing EPA FIP rule so that the vacant land rules are already on the books and there is a transition from EPA enforcement to County enforcement. Jo stated EPA is in favor of diversion of the rule which the Board approved.

Michael questioned the percentage of dust reduction before there is a FIP rule for a baseline period of when the vacant lots were "uncontrolled", by implementing the FIP rule or the County rule. Jo stated EPA notified them that informed attainment could not occur by 2001, so a more stringent measure analysis was conducted. Informed attainment could not occur by 2001, so a more stringent measure analysis was conducted. Maricopa County received notice of their plan in November that the plan was not approvable in its current form. One of the points EPA made was the fact that Maricopa County had, as one measure, all of the dust control and we have since broken it out.

With respect to stabilization of disturbed vacant land, comparing a blocking in of accesses or prohibiting access versus chemically stabilizing the parcel, Rodney inquires whether there is similarity in the emission reductions that are being claimed and the attainment demonstration or whether they are different depending on whether there is chemical stabilization or whether there is simply prevention of access.

Jo stated that preventing access will probably rate higher because it is being assumed for the most part, that it comes with, by requirement of EPA, a re-stabilization of the property in question. This will provide a higher value and the theory behind this is obviously by preventing disturbance, mitigation procedures are not needed.

Michael began review of Rule 46. He mentioned there are applicability criteria, a phasing in consideration, test methods and the enforcement policy is probably not explicit on some of the conditions but related. The first category being covered is the lots and areas of vehicle access in Regulation 46. Control measures and stabilization requirements were discussed.

Rodney stated there was a paragraph added in on additional test methods for velocity and cover of rock. A third item, the alternative test method is approved in writing by the control officer and by the Region IX administrator.

Michael stated the control measures are the prevention of trespassing, putting up barriers, fences, etc and apply a gravel or chemical stabilizer. He assumes that if a regulation is adopted in April of 2000, the effective date would be a year later. There will be an educational time period. Michael inquired of Jo from Maricopa County regarding the FIP Rule. He stated the rule was proposed initially and then adopted by EPA and assumes the property owners had about a year's notice or so. Jo stated that when EPA did the FIP the first time, it was promulgated in July and became effective in August and there was a total of 8 months given. On May 1, 1998 they had to be in compliance.

Michael inquired of Ian Ross a question as to if the Board adopts something in April 2000, will the effective date be upon filing or 12 month's later. Ian stated most ordinances, regulations, statutes are effective upon adoption unless otherwise stated.

With respect to the stabilization program and attainment demonstration in Maricopa County, has the stabilization program been prioritized based on soil type, population centers, locations, etc. Jo stated this program is based upon the size of the parcels and the populated areas being undertaken first. EPA frequently submits a list to Maricopa County that has about 10-12 areas that Maricopa County investigates. In terms of emission inventory of disturbed vacant land, has this been aggregated in terms of soil type, of a way of presenting more opportunities for wind-blown dust. Jo stated the inventory has not been defined to that extent. Maricopa County is beginning to work both with the NRCS soil conservation district, and the USDA people because they have mapped the entire valley. One problem is there was no map digitalization until a couple of year's ago. The project is not complete yet but it is accessible. Suggestions to utilize information via on-line services for contractors, electronically link to a soil map to identify the type of soil is present and what might need to be deemed more effective.

Discussion opened about the Federal Register indications of implementation dates. As an example, the weed abatement date was 8 months from September 2, 1998. For disturbed surfaces and motor vehicles, the date was 8 months from September 2, 1998 or within 60 calendar days following the disturbance, whichever came later. Timelines were discussed regarding timelines and dates of applicability. Michael carried the conversation further to discuss

vehicle usage in vacant lots and open areas. There has been a question of our inspector seeing some signs of vehicle access that use of parking in open areas by the owner or operator are not considered to be vehicle use and vehicle use related landscape and maintenance.

Jo stated that Maricopa County considers a minimum of 500 square feet for disturbance. A pattern of use that shows more than just a single vehicle is investigated.

A handout was available on the thresholds on different types of activities. Currently, there is no size threshold in place. The issue of a ¼ acre versus a 1/10th of an acre is going to have to be resolved. EPA made it clear that if Clark County went over a 10th of an acre, then there must be justification there are more significant areas of disturbed areas that fell in between the ¼ acre that we were initially proposing and the 10th of an acre that we would be missing. This issue must be looked into further.

Cheryl inquired of Jo on 46.2.1.2 on the stabilization requirements and what the success rate of Maricopa County's application of test methods, specifically the threshold friction velocity.

In discussions with Dr. James, Rodney states that in a number of cases on certain soil types, failure of the drop ball test but will pass the friction velocity test. Jo interjected that it is also true with construction sites.

Cheryl requested Dr. James' expertise on the amount of parcels that pass the Threshold Friction Velocity test. Dr. James stated that the last data available revealed roughly half of the 68 sites that were looked at did fail the ball drop test. After the failed ball drop test, the surface rock count was done. The majority of sites that failed the ball drop passed the rock count test or the 1 cm sheltering element count. If this test failed, then the TFV test was done. Approximately 15 sites were tested with TFV, and of the 15 or so tested approximately 12 passed the TFV. Cheryl further questioned the possibility regarding the stabilization requirement: many parcels that are actually unstable could pass one of these tests.

Will Cates asked Dr. James that given that scenario, perhaps only five of the 68 required stabilization. Dr. James stated that based on the experience to date applying the procedures and proposed rule, 5 of 68 sites would have required stabilization. It is the opinion of the field crew that there were a few more than that which might require stabilization applied.

Rodney questioned changing the order that is now present on the draft to performance of the rock test after a failed drop ball. Dr. James recommends this because of the speed and efficiency with which the rock count test can be applied. Discussion ensued as to specifying an order of priority for conducting the various tests

Regarding the threshold friction velocity test, Michael inquired as to whether there could be a lot where there could be dust escaping during winds and yet, it passes the TFV test. It was suggested this property be looked at during a windy day during TFV testing. The method is based on the method by the US Agricultural Research Services which is sited in the rule. Soil conservation services have been doing ground-breaking work in this field.

Carrie MacDougall inquired of Dr. James if there was a site-specific location of where the ball drop test failed and also the TFV failed and the correlation between them regarding soil type and occurrence. Dr. James stated the failed testing came from the East side of the Valley and the east side soil tends to be the most finest.

Art commented that if there are three possible tests to demonstrate compliance, one test need not be passed to demonstrate compliance. Art questioned whether there was a commitment to having three separate tests and is there a possibility of reducing that number. EPA, according to Michael must accept a test method and there are advantages present but Clark County would have to demonstrate that it works and have EPA accept it.

Maricopa County is documenting reasons for performing rock tests. Pictures can be taken for enforcement purposes, documenting the size of the particles to perform the rock test and this is Maricopa County's second choice over doing the TFV. EPA likes the TFV because of the science behind the test so they are in support of the TFV.

Dr. James stated his crew works 1-2 hours to investigate a couple hundred of yards on a site to perform all three tests. In the tests performed, changes in the procedures to obtain the same information or better but to do it more efficiently. The second observation is the field crew goes out and can determine visually if it is a pass or not. The test is still performed but experience is important.

Rodney elaborated on EPA Region IX staff's comments to Clark County. EPA repeatedly stated their crews are able to determine with a great deal of certainty whether a test will pass or fail based on experience. The point they make to regulatory agencies is performance of this test is for legal documentation.

Paul reviewed the requirements and stated the discovery process does not involve the testing. The discovery process is just the use of the land. The owner has to use the testing to demonstrate that it is in compliance. It is not up to the enforcement people to prove it is disturbed but rather the owner to prove that it is not disturbed.

In interpreting the rule, EPA stated they were not interpreting the rule in that manner.

Jo stated the rule was typical regulatory language putting the burden on the owner/operator for all compliance. If initiating a formal enforcement action, proof would be needed based on test methods that the parcel failed.

David Breault questioned a type of certification process for the tests. If monetary consequences are imposed, there would need to be a certified person to state the test was done correctly, for example Method 9. Jo states that it has to be written up and documented. The only place certification is required is on the opacity site and the opacity people are certified and would have to be certified to conduct those observations. The rest must have formal documentation stating the procedures have been completed and a written report stating.

Michael states the stabilization requirements that have been covered for open areas are also known as test methods and they apply to several other categories. What has been covered is vehicle use in open areas of vacant lots.

A question was raised on control measures and whether gravel should be applied for vehicles in open areas. Is the talk centered around surface stabilizers to sufficiently handle motorized use or just presumed that motorized use will no longer apply.

The answer given by Rodney was for areas of parking lot and the gravel use. There is a test method in place to show 2 inches of gravel. It is the understanding that for control of wind and the level of gravel that is required in the rock test in the rule, would not be sufficient if you had vehicular weight, particularly not sufficient if there was vehicular movement of any speed. This is precisely why it was not included for the unpaved roads.

Under the next section of alternative control measures needing to be approved by Region IX. Control measures are anything other than effective traffic control methods. Rodney provided an example of vegetative cover as a control measure. In Rodney's experience of working with EPA, it has been that EPA is strict about approving test methods. EPA does require administrator approval. Getting the regional administrator to sign off on a method or control measure will probably cause delay time in approval.

Michael opens up discussion on open areas and vacant lots not subject to vehicle use. This applies to vacant lots where there has some vehicle use but the vehicle use has been successfully restricted by fences, barriers, etc. The control measures are the dust suppressants or gravel or an alternative control measure. The biggest difference is size threshold. EPA has applied a .5 acres. The .5 acres is lifted from the Maricopa County rule.

Ian Ross stated that as a practical matter, it is uncertain whether people can create half acres as much as the public entities allow subdivisions on parcel maps that create half acres. Ian wonders if the entities are going to allow people to do that or whether it isn't appropriate or that people are going to go to engineering expense and government refuses to create false half acres just to avoid this kind of regulation.

Michael stated the size threshold will take into account that it may need to be an abatement schedule where if we go down to zero acres at some time we would have to obtain attainment demonstration and staff considerations.

What EPA has said is a concept works for them as long as it can be shown there are enough people out there enforcing the rule, not waiting for a complaint or for someone to call them.

Michael questioned Peter Gulash on rain conditions. Peter stated there were 3 passes out of the 6 that we needed to get done prior to the rain. On one test, there was an infrared spectrum. There is a problem with it. They are not sure if there is a computer glitch with the space imaging. The rain will affect us. One of the conditions for the fly-over is that we had seven days after a rain

and there is uncertainty as to how it will affect us. Peter states they are up to the schedule last reported. Images are very clear. These are beginning to be synchronized with the GIS.

This project will help us on the enforcement side, targeting areas where the property owners need to be doing something, targeting areas where the drop ball test needs to be performed. Peter believes this is a future application.

It was anticipated this project might be trying to have deliverables coming later than targeted for our submittal to EPA. A contract has been entered into a small contract with UNLV to develop some emissions testing on vacant land in the Valley. The report provides sufficient information for us to go forward with developing a PM₁₀ SIP but the current study is critical in terms of implementation and refining the emission inventory estimates that we might be coming up with in a short time.

There are no timelines in place at present. The dryer the soil is when the next mapping is done is better and we need more consultation on scheduling, Michael suggests.

The two most important reports have been received in order to go forward with attainment demonstration. The report from Dames & Moore which provides detail on the source contributions to elevated levels of PM₁₀ air quality and secondly, the report from UNLV which provided more detailed information on the role of disturbed vacant land in terms of PM₁₀ emissions. The next step is to, through a stakeholder in the private sector or public sector process is to arrive at a consensus regarding the emissions reductions that we need for attainment demonstration. To tie that to an implementation schedule that supports attainment demonstration.

A public hearing by the County Commission to adopt PM₁₀ SIP would be in the month of July. Possible presentation of draft regulations for the March 26th Board of Health will take place.

Michael suggests the next workshop be March 8th. This will provide us time to get the rule on the Board of Health Agenda for March 26th. If the Board decides on a public hearing, we need to supply a 30 day notice. If the regs are ready on March 26th, then the notice will be 30 days for April 27th. The meeting in May is less than 30 days after April 27th. The plan is that by the Board of Health meeting for March, presentation of the draft regulations be finalized.

Michael requested citizen participation.

Dr. James made a comment as to the reason why there are multiple tests, i.e., the ball drop and the TFV. The reason is that the ball drop, in essence, measures crust strength but you can have no crust but enough rocks to shelter. If it fails ball drop but you have enough rocks, another test is needed to show that the surface is not going to blow. Having the TFV test or the rock test, instead of measuring the crust, then measures the number of area having sheltering elements. The inclusion of those tests is not arbitrary only to provide accurate testing.

Michael spoke about unpaved parking lots - Valley View south of Tropicana, there is an unpaved parking lot for yellow checker cab. At 8 o'clock every night there are 50 cars in this parking lot. At the Sam Boyd Silver Bowl during a concert or football game, there is unpaved parking. A dust suppressant is applied the day before the cars show up, compliance has been met. At yellow checker cab, something needs to be done year around.

The control measures for an unpaved parking lot are the dust suppressants, gravel or paving. For stabilization, one sign that the ground is not stabilized is that the inspectors can give an opacity reading using a certified method. There are also silt loading and silt content methods.

Citizen participation yielded a question regarding two regulations might apply for a site with respect to testing. A site that has passed the ball drop or the rock test but now affected by opacity. Michael stated that in the case of vacant lots and open areas, opacity does not apply. It is the ball drop test, the Threshold Friction Velocity test, or the rock test. If it is an unpaved parking lot, opacity is one of the three tests and one would have to fail all three tests; the opacity, silt loading and silt content.

Jo stated the main test was the silt loading test; however if the surface is very stable, that one foot square will not give sufficient material to determine silt content so EPA agreed that a minimal amount of material, which they call silt loading is an indicator.

Michael notes a lack of public road building people here other than the gentleman with Public Works. They need to be part of the public.

The next workshop will be on March 8th and the discussion will center around unpaved roads and compliance schedules.

A new section 46.2.5 was included to deal with easements. The section basically states that easement holders have to maintain compliance with the control requirements along the easement alignment.

EPA requested inclusion of the issue of weed abatement by disking or blading. A new section has been written (46.2.6) that will address weed abatement This was taken from the Maricopa Construction Law.

Michael questioned the right-of-way in the new section with easements include shoulders. This is something that needs further investigation. There needs to be clarification.

Michael envisions after the March 8th workshop and before the hearing, there will be more workshops. Certainly at the hearing on April 27, the public may still have some ideas on amendments and the Board can consider amendments but we would like to have as much of the rule tied down well before the public hearing.

Michael invited phone conversations or one-on-one meetings.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR POLLUTION CONTROL DIVISION AGENDA VACANT LAND DUST RULE WORKSHOP CONCERNING FUGITIVE DUST FROM OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, UNPAVED ROADS, EASEMENTS AND UNPAVED SHOULDERS

Testimony given at the workshop will be taken into consideration in the development of future draft regulations, for presentation to the District Board of Health,

1:30 P.M., March 8, 2000

AQ Hearing Board Room, AQD Annex
625 Shadow Lane, Las Vegas NV 89106

MAN

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning, and Southern Nevada Homebuilders Association

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Review of Notes from February 23 Workshop
2. Review and discuss updates to draft regulations:
 - applicability criteria, phasing in compliance, enforcement policy, test methods, organization of regulation sections
 - unpaved roads
 - unstabilized road shoulders
 - lots and areas with vehicle access
 - lots and areas without vehicle access
 - unpaved parking lots
3. Status of satellite mapping project
4. Status of UNLV Vacant Land Inventory Assessment
5. Status of developing State Implementation Plan for PM₁₀
6. Possible presentation of draft regulations to March 23, 2000, Board of Health to set public hearing on April 27, 2000

- IV. Citizen Participation
- V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of CLARK COUNTY HEALTH DISTRICT;

That I have caused within notice the March 8, 2000, Vacant Land Workshop to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall**

more than three (3) working days before such workshop.

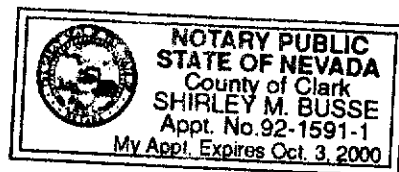
Spencer Wilson

Subscribed and sworn before me

This 3rd day of March, 2000

NOTARY PUBLIC

Shirley M. Busse



RECEIVED
COHD-APCD
7th MAR -6 A 8:03

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the March 8, 2000, Vacant Land Workshop to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMC
3-6-00

Subscribed and sworn before me,
this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

RECEIVED
COHD-APCD

27th MAR -3 P 12:56

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the March 8, 2000, Vacant Land Workshop to be posted in the:

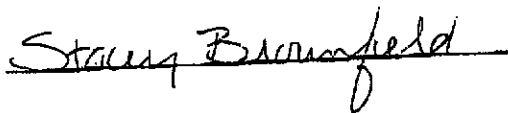
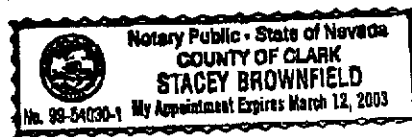
HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 3 day of March, 2000.

NOTARY PUBLIC



RECEIVED
COHD-APCD

AFFIDAVIT OF POSTING

27th MAR -2 P 5:40

STATE OF NEVADA)

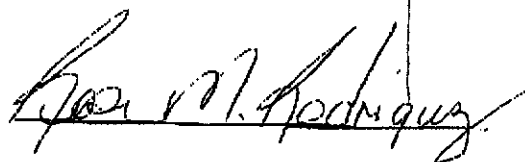
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the March 8, 2000, Vacant Land Workshop to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 2 day of March, 2000.

NOTARY PUBLIC

RECEIVED
CCHD-APCD

7th MAR -3 - A 8:47

AFFIDAVIT OF POSTING

STATE OF NEVADA)

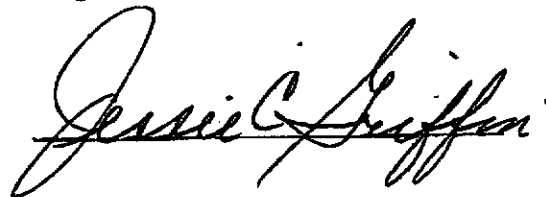
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the March 8, 2000, Vacant Land Workshop to be posted in the:

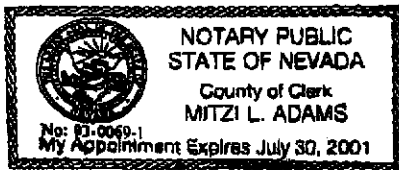
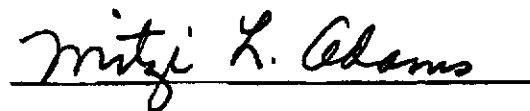
Mesquite City Hall

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 3rd day of March, 2000.

NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

CLARK COUNTY
COMPREHENSIVE

2000 MAR 22 P 2:46

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

RECEIVED

**AIR QUALITY DIVISION
AGENDA
WORKSHOP ON PROPOSED REGULATIONS FOR FUGITIVE DUST
FROM OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS,
UNPAVED ROADS, AND EASEMENTS**

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

1:30 P.M., March 29, 2000

AQ Hearing Board Room, AQD Annex
625 Shadow Lane, Las Vegas NV 89106

MHN

**Presentations by District Air Quality Division and Clark County Department of
Comprehensive Planning, and Southern Nevada Homebuilders Association**

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

- 1. Review of notes from March 8 Workshop
- 2. Review and discuss updates to proposed regulations:
 - applicability criteria, phasing in compliance, enforcement policy, test methods
 - Section 90 Fugitive Dust From Open Areas and Vacant Lots
 - Section 91 Fugitive Dust From Unpaved Roads and Unpaved Alleys and Unpaved Easements
 - Section 92 Fugitive Dust From Unpaved Parking Lots
- 3. Status of satellite mapping project for unstable vacant land
- 4. Status of UNLV Vacant Land Inventory Assessment
- 5. Status of developing State Implementation Plan for PM₁₀
- 6. Updates for proposed regulations for the April 27 public hearing

- IV. Citizen Participation
- V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.



AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of MACS Delivery;

That I have caused within notice the March 29, 2000, Workshop on Proposed Regulations for Fugitive Dust to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

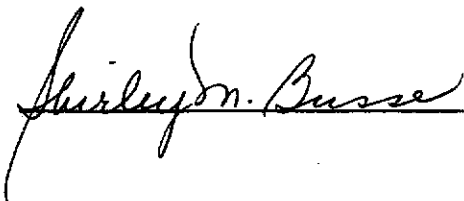


MARK FISHER

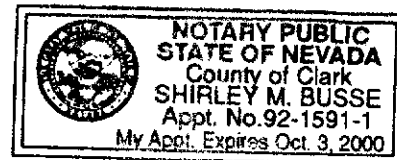
Subscribed and sworn before me

This 23 day of MARCH 2000

NOTARY PUBLIC



SHIRLEY M. BUSSE



RECEIVED
COND-APCD

700 MAR 23 A 7:51

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the agenda of the March 29, 2000, Workshop on Proposed Regulations for Fugitive Dust to be posted at:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

Omaya
3/23/00

Subscribed and sworn before me,

this ___ day of _____, 2000.

NOTARY PUBLIC

RECEIVED
CCHD-APCD

200 MAR 22 P 1:00

AFFIDAVIT OF POSTING

STATE OF NEVADA)

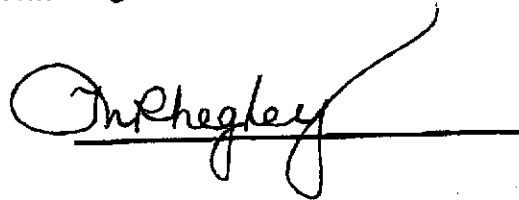
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the March 29, 2000, Workshop on Proposed Regulations for Fugitive Dust to be posted in the:

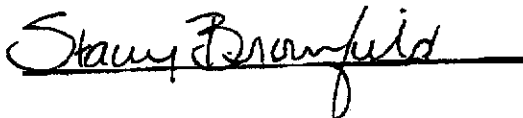
HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 22 day of March, 2000.

NOTARY PUBLIC



RECEIVED
COHD-APCD
2000 MAR 22 P 1:17

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice the March 29, 2000, Workshop on Proposed Regulations for Fugitive Dust to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.

Kristin Alexander

Subscribed and sworn before me,

this 22 day of March, 2000.

NOTARY PUBLIC

RECEIVED
COHD-APOD

200 MAR 22 P 2:05

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the March 29, 2000, Workshop on Proposed Regulations for Fugitive Dust to be posted in the:

Mesquite City Hall

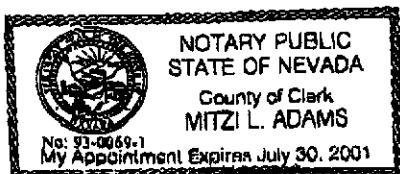
more than three (3) work days before such meeting.

Jessie C. Griffin

Subscribed and sworn before me,
this 22nd day of March, 2000.

NOTARY PUBLIC

Mitzi L. Adams





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA

WORKSHOP ON PROPOSED NEW AND PROPOSED MODIFIED REGULATIONS FOR CIVIL PENALTIES, FUGITIVE DUST FROM PAVED ROADS AND STREET SWEEPING EQUIPMENT, DUST CONTROL PERMITS FOR CONSTRUCTION ACTIVITIES, FUGITIVE DUST FROM CONSTRUCTION ACTIVITIES, AND FUGITIVE DUST CONTROL STANDARDS

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:00 A.M., April 4, 2000

**Palace Station Hotel Second Floor Ballroom/Conference Center
2411 West Sahara Avenue Las Vegas, Nevada**

Presentations by District Air Quality Division, Clark County Department of Comprehensive Planning, Southern Nevada Homebuilders, and Association of General Contractors

- I. Compliance with Open Meeting Law
- II. Introductions
- III. **Topics of Workshop**

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

- 1. **Status of development of State Implementation Plan for PM₁₀**
 - a) **Review of Emissions Inventories**
 - b) **Review of Attainment Demonstration**
- 2. **Review and discuss proposed regulations and proposed revisions to regulations:**
 - Section 9 Civil Penalties
 - Section 93 Fugitive Dust From Paved Roads and Street Sweeping Equipment
 - Section 94 Dust Control Permits for Construction Sites
 - Section 95 Fugitive Dust Control Prevention, Control, and Mitigation for Construction Sites
 - Section 96 Fugitive Dust Control Standards

IV. Citizen Participation

V. Planning for Next Workshop

- 1. Tentative date for next workshop is April 18, 2000
- 2. Formal Public Hearing scheduled for 8:00 A.M., May 25, 2000

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

CLARK COUNTY • LAS VEGAS • NORTH LAS VEGAS • BOULDER CITY • HENDERSON

COPIES OF THIS AGENDA HAVE BEEN POSTED IN THE LOBBY AT THE FOLLOWING LOCATIONS: BOULDER CITY CITY HALL, HENDERSON CITY HALL; LAS VEGAS CITY HALL; NORTH LAS VEGAS CITY HALL, CLARK COUNTY GOVERNMENT CENTER AND CLARK COUNTY HEALTH DISTRICT (MAIN CENTER).

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of MAC'S DEL. SERV.;

That I have caused within notice of the April 4, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

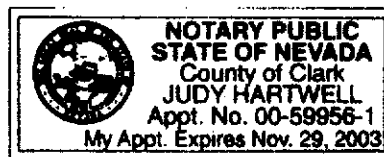
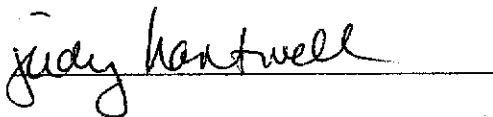
more than three (3) working days before such workshop.



Subscribed and sworn before me

This 28 day of March, 2000

NOTARY PUBLIC



RECEIVED
COND-APCD
770 MAR 28 A 9:45

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 4, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities to be posted in the:

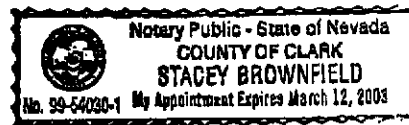
HENDERSON CITY HALL

more than three (3) work days before such meeting.

[Handwritten signature]

Subscribed and sworn before me,
this 28 day of March, 2000.

NOTARY PUBLIC



[Handwritten signature: Stacey Brownfield]

AFFIDAVIT OF POSTING

RECEIVED
CCHD-APCD
2000 MAR 28 A 9 56

STATE OF NEVADA)

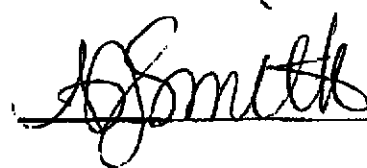
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 4, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 28 day of March 2000.

NOTARY PUBLIC



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION

AGENDA

WORKSHOP ON PROPOSED REGULATIONS FOR FUGITIVE DUST FROM OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, UNPAVED ROADS, AND EASEMENTS

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

1:30 P.M., April 10, 2000

AQ Hearing Board Room, AQD Annex
625 Shadow Lane, Las Vegas NV 89106

MAN

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning, and Southern Nevada Homebuilders Association

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Review and discuss updates to proposed regulations:
 - applicability criteria, phasing in compliance, test methods
 - Section 90 Fugitive Dust From Open Areas and Vacant Lots
 - Section 91 Fugitive Dust From Unpaved Roads and Unpaved Alleys and Unpaved Easements
 - Section 92 Fugitive Dust From Unpaved Parking Lots
2. Review/discuss draft memo to Board of Health for April 27 hearing
 - a) Nonattainment issues
 - b) Applicable sources
 - 1) Section 90 – Fugitive Dust From Open Areas and Vacant Lots
 - 2) Section 91 – Fugitive Dust From Unpaved Roads, Unpaved Alleys and Unpaved Easements
 - 3) Section 92 – Fugitive Dust From Unpaved Parking Lots
 - c) Stakeholder consultation
 - d) Public education campaign
 - e) Hiring additional staff and developing revenue source
 - f) Phase out of emission reduction credit program for paving unpaved roads
 - g) Developing new methods of awarding emission reduction credits for mobile source emission reductions
 - h) Enforcement policy: approaches for dealing with persons who are not subject to current District permit programs
 - i) Intergovernmental cooperative projects for supplying dust control on multiple lot basis
 - j) Feedback from the Environmental Protection Agency

IV. Citizen Participation

V. Planning for Next Workshop

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of Mac's Delivery Service;

That I have caused within notice of the April 10, 2000, Vacant Land Workshop agenda to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

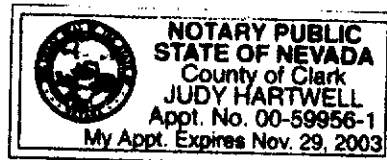
James D. Dolbow

Subscribed and sworn before me

This 4th day of April, 2000

NOTARY PUBLIC

Judy Hartwell



RECEIVED
COHD-APCD

2001 APR -4 A 9:25

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 10, 2000, Vacant Land Workshop agenda to be posted in the;

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

Ormaiz
4-4-00

Subscribed and sworn before me,
this ____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

RECEIVED
COND-APCD

700 APR -4 A 10:09

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 10, 2000, Vacant Land Workshop agenda to be posted in the:

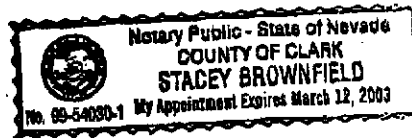
HENDERSON CITY HALL

more than three (3) work days before such meeting.

M. Shepley

Subscribed and sworn before me,
this 4 day of April, 2000.

NOTARY PUBLIC



Stacey Brownfield

RECEIVED
COHD-APCD

770 APR -4 A 9:28

AFFIDAVIT OF POSTING

STATE OF NEVADA)

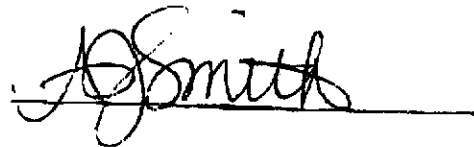
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 10, 2000, Vacant Land Workshop agenda to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

RECEIVED
CCHD-APCD

700 APR -4 A 9:35

AFFIDAVIT OF POSTING

STATE OF NEVADA)

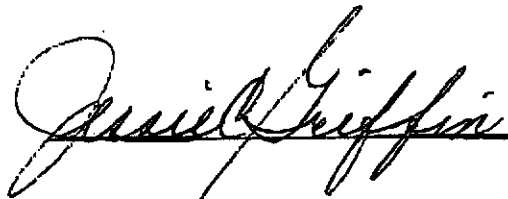
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 10, 2000, Vacant Land Workshop agenda to be posted in the:

Mesquite City Hall

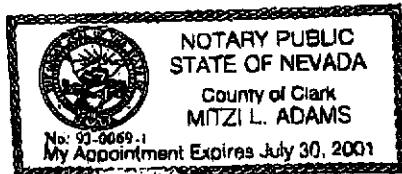
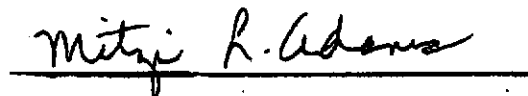
more than three (3) work days before such meeting.



Subscribed and sworn before me,

this 4th day of April, 2000.

NOTARY PUBLIC



AFFIDAVIT OF MAILING

STATE OF NEVADA)

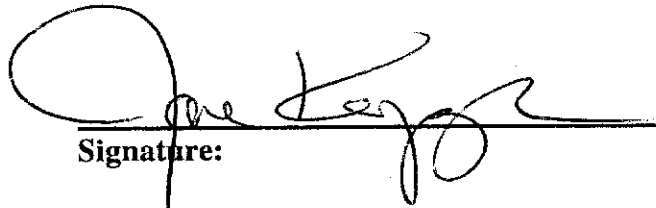
COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

I mailed the agenda of the April 10, 2000, Vacant Land Dust Rule Workshop to all names on the attached distribution list for such mailings at the

U. S. Postal Service Emerald Station on 4-4-00/445
(Location) (Date/Time)

in accordance with the provisions of NRS 241.020 (3)(b).

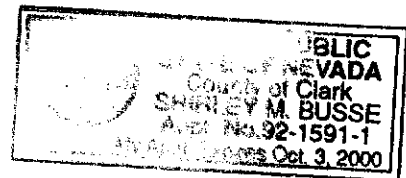

Signature:

€ Clark County Health District Employee

Subscribed and sworn to before me

this 4th day of April 20 00

Shirley M. Busse
NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA

WORKSHOP ON PROPOSED NEW AND PROPOSED MODIFIED REGULATIONS FOR CIVIL PENALTIES, FUGITIVE DUST FROM PAVED ROADS AND STREET SWEEPING EQUIPMENT, DUST CONTROL PERMITS FOR CONSTRUCTION ACTIVITIES, FUGITIVE DUST FROM CONSTRUCTION ACTIVITIES, AND FUGITIVE DUST CONTROL STANDARDS

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:30 A.M., April 18, 2000

Gold Coast Hotel & Casino

4000 West Flamingo Road, Las Vegas, Nevada

Presentations by District Air Quality Division, Clark County Department of Comprehensive Planning, Southern Nevada Homebuilders, and Association of General Contractors

- I. Compliance with Open Meeting Law
- II. Introductions
- III. **Topics of Workshop**

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic. This is a continuation of the April 4, 2000 workshop.

1. **Review of *Best Management Practices Manual for Construction Activities***
2. **Status of development of State Implementation Plan for PM₁₀**
 - a) **Review of Emissions Inventories**
 - b) **Review of Attainment Demonstration**
3. **Review and discuss proposed regulations and proposed revisions to regulations:**
 - Section 9 Civil Penalties
 - Section 93 Fugitive Dust From Paved Roads and Street Sweeping Equipment
 - Section 94 Dust Control Permits for Construction Sites
 - Section 95 Fugitive Dust Control Prevention, Control, and Mitigation for Construction Sites
 - Section 96 Fugitive Dust Control Standards

IV. Citizen Participation

V. Planning for Next Workshop

1. Tentative date for next workshop is May 3, 2000
2. Formal Public Hearing scheduled for 8:00 A.M., May 25, 2000

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Quality Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

RECEIVED
CORD-APCD

20 APR 11 P 12:29

AFFIDAVIT OF POSTING

STATE OF NEVADA)

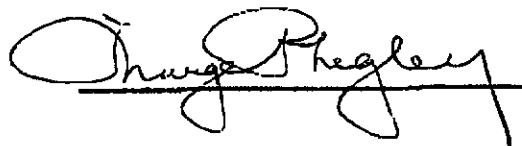
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 18, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities agenda to be posted in the:

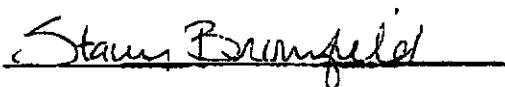
HENDERSON CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 11 day of April, 2000.

NOTARY PUBLIC



RECEIVED
COFD-APCD
2000 APR 11 P 12:42

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 18, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities agenda to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.

Kristin Alexander

Subscribed and sworn before me,
this 11 day of April, 2000.

NOTARY PUBLIC

RECEIVED
CCRD-APCD

2000 APR 11 P 1:53

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 18, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities agenda to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

Omaly

4-11-00

Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

RECEIVED
COND-APCD

2000 APR 11 P 1:53

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the April 18, 2000, Workshop on Proposed Regulations for Fugitive Dust from Construction Activities agenda to be posted in the:

Mesquite City Hall

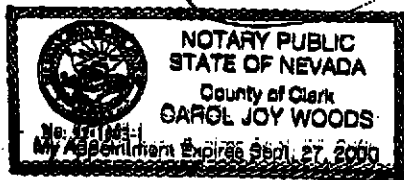
more than three (3) work days before such meeting.



Subscribed and sworn before me,

this 11TH day of APRIL, 2000.

NOTARY PUBLIC



NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

**AIR QUALITY DIVISION
AGENDA
WORKSHOP ON PROPOSED NEW AND PROPOSED MODIFIED
REGULATIONS FOR:**

- **Civil Penalties;**
- **Fugitive Dust From Vacant Disturbed Lands Including Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, Easements, and Unpaved Road Shoulders;**
- **Fugitive Dust from Paved Roads and Street Sweeping Equipment;**
- **Permitting and Dust Control for Construction Activities**
- **Best Management Practices For Construction Activities Dust Control**

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:30 A.M., May 23, 2000
Palace Station Hotel Second Floor Ballroom/Conference Center
2411 West Sahara Avenue Las Vegas, Nevada

Presentations by District Air Quality Division, Clark County Department of Comprehensive Planning, Southern Nevada Homebuilders, and Association of General Contractors

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop
We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:
 1. Status of development of State Implementation Plan for PM₁₀
 - a) Review of Emissions Inventories
 - b) Review of Attainment Demonstration
 2. Review and discuss proposed regulations and proposed revisions to regulations:

Section 9	Civil Penalties
Section 90	Fugitive Dust From Open Areas and Vacant Lots
Section 91	Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements

Section 92 Fugitive Dust From Unpaved Parking Lots
Section 93 Fugitive Dust From Paved Roads and Street Sweeping Equipment
Section 94 Permitting and Dust Control for Construction Activities (Incorporates
previously proposed Sections 95 and 96)

3. Review and Discuss Best Management Practices for Dust Control
 - a) Regulatory Requirements for Best Management Practices
 - b) Incorporation of Best Management Practices into Dust Control Permits
 - c) Additional Best Management Practices Information

IV. Citizen Participation

V. Planning for Future

1. Formal Public Hearing scheduled for 8:00 A.M., May 25, 2000
 - a) Staff is recommending adoption of Regulation Sections 0,90,91,92, and 93.
 - b) Staff is recommending continuance of Public Hearing for Sections 9 and 94 to June 22, 2000.
2. A Public Hearing on Best Management Practices is anticipated for July 27, 2000.

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

AFFIDAVIT OF POSTING

RECEIVED
0010-APOD

27 MAY 17 P 2:30

STATE OF NEVADA)

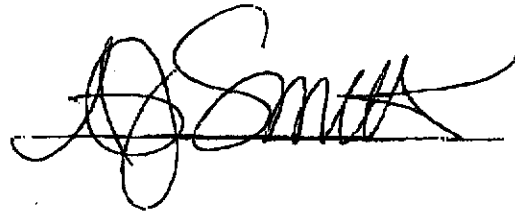
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the May 23, 2000, workshop on Proposed New Regulations for Construction Activity to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this ____ day of _____, 2000.

NOTARY PUBLIC

RECEIVED
CORD-APCD

200 MAY 17 P 2:05

AFFIDAVIT OF POSTING

STATE OF NEVADA)

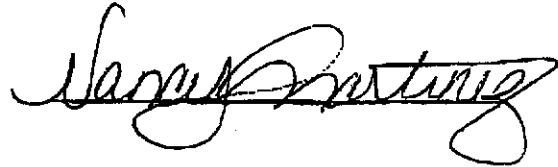
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the May 23, 2000, workshop on Proposed New Regulations for Construction Activity to be posted in the:

HENDERSON CITY HALL

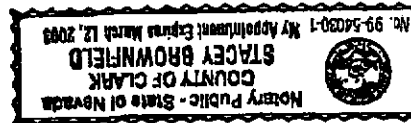
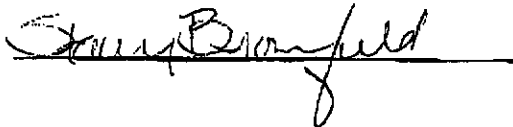
more than three (3) work days before such meeting.



Subscribed and sworn before me,

this 17 day of MAY, 2000.

NOTARY PUBLIC



RECEIVED
COND-APCD

MAY 18 AM 10:31

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the May 23, 2000, workshop on Proposed New Regulations for Construction Activity to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

Omelay
5-17-00

Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of Mac's Delivery;

That I have caused within notice of the May 23, 2000, workshop on Proposed New Regulations for Construction Activity to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

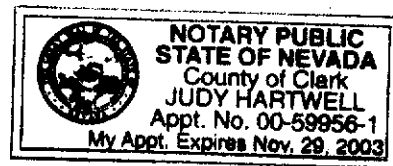
[Signature]

Subscribed and sworn before me

This 18th day of May, 2000

NOTARY PUBLIC

Judy Hartwell





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA

MHN

WORKSHOP ON PROPOSED NEW AND PROPOSED MODIFIED REGULATIONS FOR:

- **Civil Penalties;**
- **Fugitive Dust From Vacant Disturbed Lands Including Open Areas, Vacant Lots, Unpaved Parking Lots, Unpaved Roads, Easements, and Unpaved Road Shoulders;**
- **Fugitive Dust from Paved Roads and Street Sweeping Equipment;**
- **Permitting and Dust Control for Construction Activities**
- **Best Management Practices For Construction Activities Dust Control**

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

8:00 A.M. - 11:30 A.M., June 12, 2000
Las Vegas Conference Suites & Services *
101 Convention Center Drive #101, Las Vegas, Nevada

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop
We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:
 1. Status of development of State Implementation Plan for PM₁₀
 - a) Review of Emissions Inventories
 - b) Review of Attainment Demonstration
 2. Review and discuss proposed regulations and proposed revisions to regulations:

- Section 9 Civil Penalties
- Section 90 Fugitive Dust From Open Areas and Vacant Lots
- Section 91 Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements
- Section 92 Fugitive Dust From Unpaved Parking Lots
- Section 93 Fugitive Dust From Paved Roads and Street Sweeping Equipment
- Section 94 Permitting and Dust Control for Construction Activities (Incorporates previously proposed Sections 95 and 96)

3. Review and Discuss Best Management Practices for Dust Control
 - a) Regulatory Requirements for Best Management Practices
 - b) Incorporation of Best Management Practices Into Dust Control Permits
 - c) Additional Best Management Practices Information

IV. Citizen Participation

V. Upcoming Hearings

1. Formal Public Hearings scheduled for 8:00 A.M., June 22, 2000.
 - a) Staff is recommending adoption of Regulation Sections 0, 9, 90, 91, and 92, with suggested revisions.
 - b) Staff is recommending adoption of Regulation Sections 93 and 94, with suggested revisions.
2. Staff will request a July 27, 2000 Public Hearing on the Best Management Practices Policy document.

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

*** Free, off-street parking available in parking structure on Channel 8 Drive. From Convention Center Drive turn south on Channel 8 Drive and enter parking structure at 2nd parking entrance (Tenant Parking) on east side. Follow ramp up to 4th or 5th level. Take elevator or stairs to 1st floor meeting room.**

RECEIVED
CCHD-APCD
7PM JUN -5 P 3:35

AFFIDAVIT OF POSTING

STATE OF NEVADA)

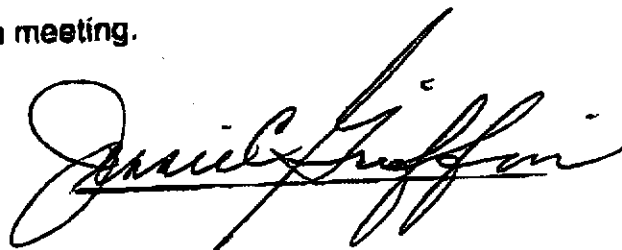
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

**That I have caused within notice of the Agenda of the June 12, 2000 Workshop
On Proposed New and Proposed Modified Regulations to be posted in the:**

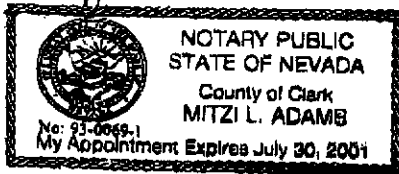
Mesquite City Hall

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 5th day of June, 2000.

NOTARY PUBLIC



AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the Agenda of the June 12, 2000 Workshop
On Proposed New and Proposed Modified Regulations to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

D. Maloy
6-5-00

Subscribed and sworn before me,
this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

RECEIVED
CCHD-APCD

700 JUN -8 A 10:11

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of Legal Express _____;

That I have caused within notice of the Agenda of the June 12, 2000 Workshop
On Proposed New and Proposed Modified Regulations to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

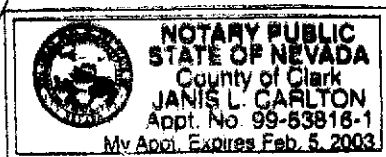
Michael Kelly

Subscribed and sworn before me

This 7th day of June, 2000.

NOTARY PUBLIC

Janis L. Carlton





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

RS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA WORKSHOP ON PROPOSED NEW AND PROPOSED MODIFIED REGULATIONS FOR

- **Section 94 Handbook: Construction Activities Dust Permitting and Best Management Practices For Dust Control**

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:30 A.M., July 6, 2000

The Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop
We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:
 1. Status of development of State Implementation Plan for PM₁₀
 - a) Review of Emissions Inventories
 - b) Review of Attainment Demonstration
 2. Review and Discuss Section 94 Handbook: Construction Activities Permitting and Best Management Practices for Dust Control
 - a) Regulatory Requirements for Best Management Practices
 - b) Incorporation of Best Management Practices Into Dust Control Permits
 - c) Additional Best Management Practices Information
- IV. Citizen Participation
- V. Planning for Future
 1. A Public Hearing on the Section 94 Handbook is anticipated for July 27, 2000.

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

- **The Convention Area, 2nd Floor, is located by escalator in the eastern portion of The Orleans Hotel & Casino.**

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of Mac's Delivery;

That I have caused within notice of the July 6, 2000, Workshop on Proposed New and Proposed Modified Regulations to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

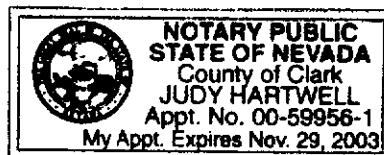
Christopher S. [Signature]

Subscribed and sworn before me

This 28th day of June, 2000

NOTARY PUBLIC

Judy Hartwell



AFFIDAVIT OF POSTING

RECEIVED
CCHD-AOD

JUN 27 P 2:20

STATE OF NEVADA)
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the July 6, 2000, Workshop on Proposed
New and Proposed Modified Regulations to be posted in the:

HENDERSON CITY HALL

more than three (3) work days before such meeting.

Stacy Branfield

Subscribed and sworn before me,
this 27th day of June, 2000.

NOTARY PUBLIC

Margaret Ann Pheley



RECEIVED
CCHD-A00
JUN 27 P 3:46

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the July 6, 2000, Workshop on Proposed New and Proposed Modified Regulations to be posted in the:

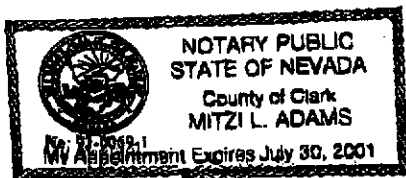
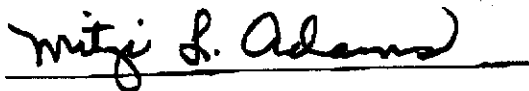
Mesquite City Hall

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 27th day of June, 2000.

NOTARY PUBLIC



RECEIVED
CCHD-AQD

JUN 27 P 4: 30

AFFIDAVIT OF POSTING

STATE OF NEVADA)

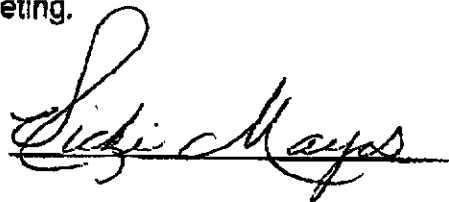
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the July 6, 2000, Workshop on Proposed New and Proposed Modified Regulations to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • PHONE 702-388-1276 • FAX 702-383-1443

RECEIVED
CCHD-AOD

2001 JUN 29 A 11:37

AFFIDAVIT OF MAILING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

I mailed the agenda of the July 6, 2000, Workshop on Proposed New and Proposed Modified Regulations to all names on the attached distribution list for such mailings ~~at the~~ *was peddled up by*

the U. S. Postal Service *James Brown Jr Faculty* on *6/28/00 - 1:30pm*
(Location) (Date/Time)

in accordance with the provisions of NRS 241.020 (3)(b).

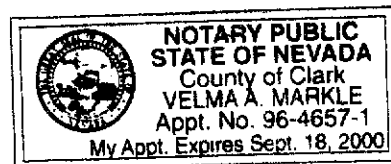
[Signature]
Signature:

€ Clark County Health District Employee

Subscribed and sworn to before me

this *28th* day of *June* 20 *00*

[Signature]
NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA

WORKSHOP ON PROPOSED NEW REGULATIONS FOR Section 94 Handbook: Construction Activities Dust Permitting and Best Management Practices For Dust Control

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:30 A.M., Wednesday, August 16, 2000

The Orleans Hotel & Casino
Convention Area, 2nd Floor, Salon K *
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

Presentations by District Air Quality Division and Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop

We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic:

1. Status of development of State Implementation Plan for PM₁₀
 - a) Review of Emissions Inventories
 - b) Review of Attainment Demonstration
2. Review and Discuss Section 94 Handbook: Construction Activities Permitting and Best Management Practices for Dust Control
 - a) Regulatory Requirements for Best Management Practices
 - b) Incorporation of Best Management Practices Into Dust Control Permits
 - c) Discussion of Revisions Made Since July 6, 2000 Public Workshop

IV. Citizen Participation

V. Planning for Future

1. A Public Hearing on the Section 94 Handbook is scheduled for August 24, 2000.

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Pollution Control Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

* The Convention Area, 2nd Floor, is located by escalator in the eastern portion of The Orleans Hotel & Casino.

CLARK COUNTY • LAS VEGAS • NORTH LAS VEGAS • BOULDER CITY • HENDERSON

COPIES OF THIS AGENDA HAVE BEEN POSTED IN THE LOBBY AT THE FOLLOWING LOCATIONS: BOULDER CITY CITY HALL, HENDERSON CITY HALL; LAS VEGAS CITY HALL; NORTH LAS VEGAS CITY HALL, CLARK COUNTY GOVERNMENT CENTER AND CLARK COUNTY HEALTH DISTRICT (MAIN CENTER).

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda for the August 16, 2000, Section 94 Handbook Workshop to be posted in the:

HENDERSON CITY HALL

more than three (3) work days before such meeting.

[Handwritten Signature]

Subscribed and sworn before me,

this 10 day of August, 2000.

NOTARY PUBLIC

[Handwritten Signature: Stacey Brownfield]



AFFIDAVIT OF POSTING

STATE OF NEVADA)


COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda for the August 16, 2000, Section 94 Handbook Workshop to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

STATE OF NEVADA)

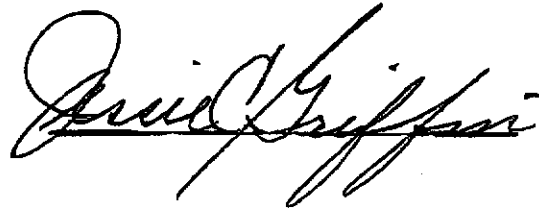
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda for the August 16, 2000, Section 94 Handbook Workshop to be posted in the:

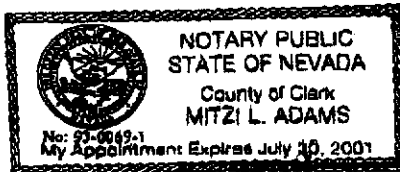
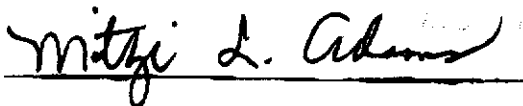
Mesquite City Hall

more than three (3) work days before such meeting.



Subscribed and sworn before me,
this 10th day of Aug, 2000.

NOTARY PUBLIC



AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the agenda for the August 16, 2000, Section 94 Handbook Workshop to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

O'Malley
8/10/00

Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

[Faint notary text]

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of MAC'S DELIVERY _____;

That I have caused within notice of the agenda for the August 16, 2000, Section 94 Handbook Workshop to be posted in the:

**Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall**

more than three (3) working days before such workshop.

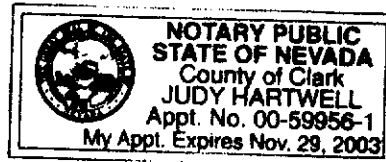
Christopher Inforsick

Subscribed and sworn before me

This 10th day of August, 2000

NOTARY PUBLIC

Judy Hartwell





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

AFFIDAVIT OF MAILING

STATE OF NEVADA)

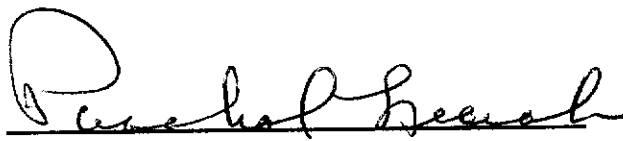
COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

I mailed the agenda for the August 16, 2000, Section 94 Handbook Workshop to all names on the attached distribution list for such mailings at the

U. S. Postal Service 1601 MLK NORTH on 8/10/00 4:00P
(Location) (Date/Time)

in accordance with the provisions of NRS 241.020 (3)(b).



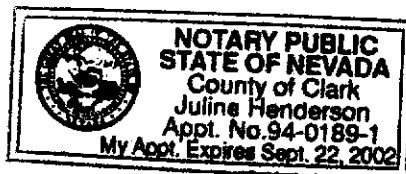
Signature:

€ Clark County Health District Employee

Subscribed and sworn to before me

this 11th day of Aug 20 00

Juline Henderson
NOTARY PUBLIC





**PROPOSED SUPPLEMENT TO AIR POLLUTION CONTROL
REGULATIONS - SECTION 94 HANDBOOK**

NOTICE is hereby given that the Clark County District Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, August 24, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs have been adapted for soil types and construction practices specific to the Clark County area.

The Construction Activities Notebook provides guidelines for obtaining a Dust Control permit and Control Requirements for General Construction Activities. The Section 94 Handbook portion of the Construction Activities Notebook for dust control measures is included by reference into Section 94 of the AQD Regulations. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control measures to be used for construction activities and incorporated into the Permits as enforceable permit conditions.

The Control Requirements of each construction activity category to be conducted on the project site must be met through implementation of Control Measures. Within most construction activity categories there are choices of the control measure(s) to be selected from to meet the Control Measures requirements.

The Construction Activity Notebook includes the following four (4) elements:

- (1) DUST CONTROL PERMIT REQUIREMENTS (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Signage
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure/Renewal
 - 06: Permit Enforcement Compliance

- (2) GENERAL CONSTRUCTION PROJECT ACTIVITIES (GEN)
 - 01: Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring

- (3) PROPOSED SECTION 94 HANDBOOK
 - a. Soil Particulate Emission Potential Determination Charts and Maps

 - b. Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Soil and Rock)
 - 04: Clearing and Grubbing
 - 05: Clearing Forms
 - 06: Crushing
 - 07: Cut and Fill
 - 08: Demolition – Implosion
 - 09: Demolition – Mechanical/Hand
 - 10: Disturbed Soil
 - 11: Disturbed Land – Large Tracts
 - 12: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 13: Importing Soil, Rock, and Other Bulk Materials
 - 14: Landscaping
 - 15: Paving/Subgrade Preparation
 - 16: Screening
 - 17: Staging Areas
 - 18: Stockpiles
 - 19: Track-out Prevention
 - 20: Traffic – Construction Related
 - 21: Trenching
 - 22: Truck Loading

 - c. Appendices
 - A. Dust Control Permit Application
 - B. Dust Control Permit Signage
 - C. Dust Control Mitigation Plans
 - D. Dust Control Permit Supplemental Forms

(4) ATTACHMENTS

- A. Regulations Pertaining to Construction Activity Dust Control
- B. AQDD Dust Suppressant, Palliative, and Surfactant Guidelines
- C. California Air Board Resources (CARB)-Approved Abrasives Information

Staff has held several previous meetings and workshops with the public and representatives of the construction industry. The final public workshop is scheduled for 9:00 a.m., Tuesday, August 14, 2000, at:

Orleans Hotel & Casino
2nd Floor, Convention Area
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on August 24, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 6th day of August, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Michael H. Naylor, Director
Air Quality Division
Clark County Health District



CLARK COUNTY DEPARTMENT OF
COMPREHENSIVE PLANNING
500 S GRAND CENTRAL PKY STE 3012
PO BOX 551741
LAS VEGAS NV 89155-1741



Clark County Department of Comprehensive Planning
invites you to

HELP IMPROVE AIR QUALITY IN THE LAS VEGAS VALLEY

Dear Property Owner:

Wind blown dust presents a public health hazard. The Department of Comprehensive Planning, in coordination with the Clark County Health District, has prepared draft air pollution control regulations which require stabilization of disturbed vacant land to reduce wind blown dust. You are invited to review, discuss, and comment on these draft regulations.

Open House
Saturday, September 11
from 10:00 a.m. to 12:00 noon
at
Clark County Government Center
500 S. Grand Central Pkwy.
ODC Room 3

Questions? Please call the Department of Comprehensive Planning at 393-9500.



CLARK COUNTY DEPARTMENT OF
COMPREHENSIVE PLANNING
500 S GRAND CENTRAL PKY STE 3012
PO BOX 551741
LAS VEGAS NV 89155-1741



Clark County Department of Comprehensive Planning
invites you to

HELP IMPROVE AIR QUALITY IN THE LAS VEGAS VALLEY

Dear Property Owner:

Wind blown dust presents a public health hazard. The Department of Comprehensive Planning, in coordination with the Clark County Health District, has prepared draft air pollution control regulations which require stabilization of disturbed vacant land to reduce wind blown dust. You are invited to review, discuss, and comment on these draft regulations.

Open House
Saturday, September 18
from 10:00 a.m. to 12:00 noon
at
Spring Valley Library
4280 S. Jones Blvd.

Questions? Please call the Department of Comprehensive Planning at 393-9500.

DISTURBED VACANT LAND OUTREACH PROGRAM

MEETING GROUP I

N - Moccasin
E - Decatur Blvd./Rancho
S - W. Charleston Blvd.
W - Foothills

89107

89108

89128

89129

89131

89134

89138

89143

89144

89145

89149

89130

Summerlin Library

1771 Inner Circle Dr

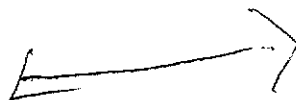
Las Vegas, NV 89134

Contact: Rohn Shead

256-2902

at. 2
Saturday, August 28, 1999

9 a.m.-12 p.m.



07/14/99

MEETING GROUP II

N - Moccasin
E - Nellis AFB/Hollywood
S - E. Charleston Blvd.
W - Decatur Blvd./Ranch Dr.

89101

89106

89115

89030

89031

89032

89133

89156

ODC Room 3

County Govt Bldg

500 S. Grand Central Pky

Las Vegas, NV 89155

Contact: Kim Bush

455-3110

Saturday, September 11, 1999

9 a.m. - 12 p.m.

*Add
extra
to this
w/stop*

*Responsible
Raptors
Munda
Paul*

***DISTURBED VACANT LAND
OUTREACH PROGRAM***

MEETING GROUP III

N - W. Charleston
E - Industrial Road
S - Blue Diamond
W - Foothills

89102
89103
89113
89117
89118
89135
89139
89141
89146
89148

Spring Valley Library
4280 S. Jones Blvd.
Las Vegas, NV 89103
Contact: J.D. Barber
368-4847
Contact: Tim Clark

***Saturday, September 18, 1999
9 a.m. - 12 p.m.***

MEETING GROUP IV

N - E. Charleston Blvd.
E - Boulder Hwy/BLM
S - Seven Hills/BLM
W - Industrial Road

89011
89012
89014
89015
89052
89104
89109
89119
89120
89121
89122
89123
89142

Whitney Library
5175 E. Tropicana Blvd.
Las Vegas, NV 89122
Contact: Tim Clark

~~454-3160~~ 454-4575
***Saturday, September 25,
9 a.m.-12 p.m.***

↑ - not open until 9 AM - straight up

***DISTURBED VACANT LAND
OUTREACH PROGRAM***

MEETING GROUP I

N - Moccasin
E - Decatur Blvd./Rancho
S - W. Charleston Blvd.
W - Foothills

89107
89108
89128
89129
89131
89134
89138
89143
89144
89145
89149

*N.W. Summerlin
Rancho Let. Prichard
Summerlin Let. & Chino*

MEETING GROUP II

N - Moccasin
E - Nellis AFB/Hollywood
S - E. Charleston Blvd.
W - Decatur Blvd./Ranch Dr.

89101
89106
89115
89030
89030
89032
89133
89056

*Sept. 11
ODD
Room 3
10-12*

DISTURBED VACANT LAND OUTREACH PROGRAM

MEETING GROUP III

N - W. Charleston
E - Industrial Road
S - Blue Diamond
W - Foothills

89102
89103
89113
89117
89118
89135
89139
89141
89148

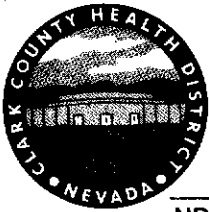
*LVA/val/south
S.V. Ref.
S.B. Hope Plan
Enterprise
S.B.P. apt*

MEETING GROUP IV

N - E. Charleston Blvd.
E - Boulder Hwy/BLM
S - Seven Hills/BLM
W - Industrial Road

89011
89012
89014
89015
89052
89104
89109
89119
89120
89121
89122
89123
89142

*Main list
of Flaming
Sunrise Water*



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

AIR QUALITY DIVISION AGENDA

WORKSHOP TO REVIEW DRAFT "CLEAN-UP" LANGUAGE REVISIONS TO RECENTLY ADOPTED REGULATIONS FOR CIVIL PENALTIES (SECTION 9) AND PERMITTING AND DUST CONTROL FOR CONSTRUCTION ACTIVITIES (SECTION 94)

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:00 A.M., September 22, 2000
AQD Hearing Room, APCD Annex
625 Shadow Lane, Las Vegas, NV 89106

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop
We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees, on each topic.
 1. Status of development of State Implementation Plan for PM₁₀
 2. Review and discuss proposed "clean-up revisions to regulations:

Section 9 Civil Penalties
Section 94 Permitting and Dust Control for Construction Activities
 3. Update on development of soil erodibility test methods.
- IV. Citizen Participation
- V. Planning for Next Workshop
 1. **Formal Public Hearing scheduled for 8:00 A.M., September 28, 2000**

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Quality Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.



AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I am an employee of CLARK COUNTY HEALTH DISTRICT;

That I have caused within notice of the September 22, 2000, workshop for Section 9 & 94 'Clean Up' Language to be posted in the:

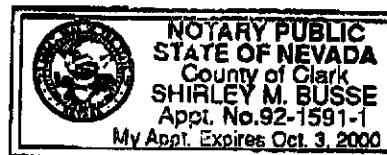
Clark County Health District (Main Center)
Clark County Government Center
Las Vegas City Hall
North Las Vegas City Hall

more than three (3) working days before such workshop.

Subscribed and sworn before me

This 18th day of Sept, 2000

NOTARY PUBLIC



AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the September 22, 2000, Workshop on 'Clean-Up' Language to Sections 9 & 94 to be posted in the:

BOULDER CITY CITY HALL

more than three (3) work days before such meeting.

DMcKay
9-19-00

Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the September 22, 2000, Workshop on 'Clean-Up' Language to Sections 9 & 94 to be posted in the:

HENDERSON CITY HALL

more than three (3) work days before such meeting.

Charge Phealey

Subscribed and sworn before me,

this 18 day of Sept, 2000.

NOTARY PUBLIC

Notary Public
State of Nevada
My Comm. Expires 12/31/2001

My office is located at _____

Subscribed and sworn before me,
_____ 2000.

Notary Public
State of Nevada
My Comm. Expires 12/31/2001

My office is located at _____

AFFIDAVIT OF POSTING

STATE OF NEVADA)

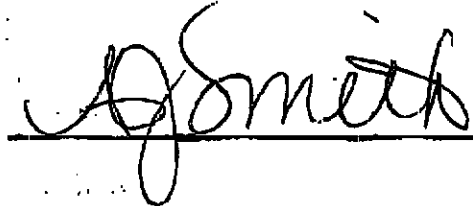
COUNTY OF CLARK) SS:

THE UNDERSIGNED, being first duly sworn, deposes and says:

That I have caused within notice of the September 22, 2000, Workshop on 'Clean-Up' Language to Sections 9 & 94 to be posted in the:

LAUGHLIN CITY HALL

more than three (3) work days before such meeting.



Subscribed and sworn before me,

this _____ day of _____, 2000.

NOTARY PUBLIC



AFFIDAVIT OF MAILING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

On 9-18-00 at 430 ~~am~~/pm
(Date)

I delivered to the U. S. Postal Service King Station
(Location)

the envelopes represented to me to contain the agenda of the meeting of the September 22, 2000, Workshop on 'Clean-Up' Language for Sections 9 & 94 to be mailed to all names on the attached distribution list for such mailings in accordance with the provisions of NRS 241.020 (3)(b).

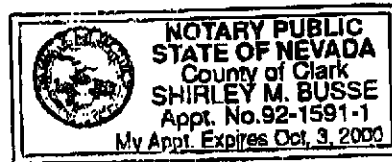
[Handwritten Signature]
Signature:

Clark County Health District Employee

Subscribed and sworn to before me

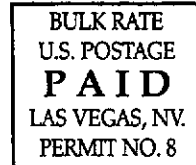
this 19th day of Sept. 2000

Shirley M. Busse
NOTARY PUBLIC





CLARK COUNTY DEPARTMENT OF
COMPREHENSIVE PLANNING
500 S GRAND CENTRAL PKY STE 3012
PO BOX 551741
LAS VEGAS NV 89155-1741



Clark County Department of Comprehensive Planning
invites you to

HELP IMPROVE AIR QUALITY IN THE LAS VEGAS VALLEY

Dear Property Owner:

Wind blown dust presents a public health hazard. The Department of Comprehensive Planning, in coordination with the Clark County Health District, has prepared draft air pollution control regulations which require stabilization of disturbed vacant land to reduce wind blown dust. You are invited to review, discuss, and comment on these draft regulations.

Open House
Saturday, September 25
from 10:00 a.m. to 12:00 noon
at _____
Whitney Library
5175 E. Tropicana Blvd.

Questions? Please call the Department of Comprehensive Planning at 393-9500.



CLARK COUNTY DEPARTMENT OF
COMPREHENSIVE PLANNING
500 S GRAND CENTRAL PKY STE 3012
PO BOX 551741
LAS VEGAS NV 89155-1741



Clark County Department of Comprehensive Planning
invites you to

HELP IMPROVE AIR QUALITY IN THE LAS VEGAS VALLEY

Dear Property Owner:

Wind blown dust presents a public health hazard. The Department of Comprehensive Planning, in coordination with the Clark County Health District, has prepared draft air pollution control regulations which require stabilization of disturbed vacant land to reduce wind blown dust. You are invited to review, discuss, and comment on these draft regulations.

Open House
Saturday, October 2
from 10:00 a.m. to 12:00 noon
at
Summerlin Library
1771 Inner Circle Dr.

Questions? Please call the Department of Comprehensive Planning at 393-9500.

Russ

CLARK COUNTY
COMPREHENSIVE
PLANNING

7001 10/27

RECEIVED

NRS 241.020, as amended by the 1997 Legislature, requires that written notice of all meetings of the District be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting.

**AIR QUALITY DIVISION
AGENDA
WORKSHOP ON PROPOSED MODIFIED REGULATIONS FOR:**

- **Section 0 – Definitions**
- **Section 93 - Fugitive Dust from Paved Roads and Street Sweeping Equipment**
- **Global Replacement of Division Title from “Air Pollution Control Division” to “Air Quality Division” throughout Regulations**

Testimony given at the workshop pertaining to the proposed regulations will be taken into consideration by the District Board of Health.

9:00 A.M. - 11:00 A.M., November 8, 2000
Clark County Health District
Air Quality Division Hearing Board Room
625 Shadow Lane
Las Vegas, Nevada 89106

Presentations by District Air Quality Division and the Clark County Department of Comprehensive Planning

- I. Compliance with Open Meeting Law
- II. Introductions
- III. Topics of Workshop
We intend to have an interactive dialogue with staff presentation and immediate discussion by attendees on each topic:
 - 1. Status of development of State Implementation Plan for PM₁₀
 - a) Review of Emissions Inventories
 - b) Review of Attainment Demonstration
 - 2. Review and discuss proposed revisions to regulations:
 - a) Section 0 - Definitions
 - b) Section 93 - Fugitive Dust From Paved Roads and Street Sweeping Equipment
 - c) Global name change from “Air Pollution Control” to “Air Quality” throughout the Clark County Health District Air Pollution Control Regulations
- IV. Citizen Participation
- V. Planning for Future
 - 1. Formal Public Hearing scheduled for 8:00 A.M., November 16, 2000

Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify the Air Quality Division in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1276.

by given that the Health District Board of Health considering the adoption of modifications to Air Pollution Control Regulations Section 0 (Definitions) and Section 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment) and a global change of phrase from "Air Pollution Control" to "Air Quality". This action is pursuant to the Board's authority under NRS 445.546. A Public Workshop will be held at 9:00 a.m. on Wednesday, November 8, 2000, at:

Clark County Health District
Air Quality Division,
625 Shadow Lane
Las Vegas, Nevada 89106

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:
That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI 3851291CC
1453505

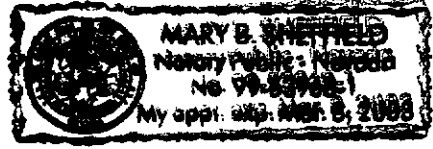
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 10/15/00 to 10/29/2000, on the following days: OCTOBER 15, 22, 29, 2000

Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

day of November 2000

Mary B. Sheffield
Notary Public



DISCUSSION:
On June 22, 2000, the District Board of Health approved revisions to Sections 0 (Definitions) and 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment) and approved new Sections 90 (Fugitive Dust from Open Areas and Vacant Land), 91 (Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads), 92 (Fugitive Dust from Unpaved Parking Lots), and 93 (Fugitive Dust from Paved Roads and Street Sweeping Equipment), and 94 (Permitting and Dust Control for Construction Activities) of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM10). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified the need for publishing notice of public hearing for two sections and "clean-up" revisions of these regulations. After reviewing the public hearing notices for the sections listed above, it appears that no public notice was published in the local newspapers that addressed Sections 0 and 93. Through numerous workshops and Board of Health agenda descriptions there was abundant notice to the public. However, the newspaper notices advertising the hearings were deficient in mentioning Sections 0 and 93. Therefore, to address this oversight, staff requests public hearings be scheduled to accept public input on all the content of the Section 0 definitions and all the content in Section 93 considered in June. Furthermore, the department of Comprehensive Planning requests some clean-up changes to section 93. Section 0 is presented in Attachment I. Section 93 with draft revisions is presented in Attachment II.

Recently the District changed the name of the Air Pollution Control Division to the Air Quality Division. Throughout the regulations (from Section 0 to 94) are citations of the following terms, persons, or groups:

- x groups:
- Air Pollution Control Regulations
- Air Pollution Control Board (Board of Health)
- Air Pollution Control Hearing Officer
- Air Pollution Control Hearing Board
- Air Pollution Control Officer
- Air Pollution Control Committee

PUBLIC COMMENTING:
It is the intent of the Board to accept testimony on all aspects of the proposed modifications to Sections 0 and 93 of the Air Pollution Control Regulations. Persons opposing these modifications, as persons opposed to the modifications, are invited to present their views.
If persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing), the Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on November 16, 2000.
Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County.

NOTICE OF PROPOSED ACTION

MODIFICATIONS TO AIR POLLUTION CONTROL REGULATIONS SECTION 0 (Definitions) and SECTION 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment)

NOTICE is hereby given that the Clark County Health District (District), Board of Health (Board) is considering the adoption of modifications to Air Pollution Control Regulations Section 0 (Definitions) and Section 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment) and a global change of phrase from "Air Pollution Control" to "Air Quality". This action is pursuant to the Board's authority under NRS 445.546. A Public Workshop will be held at 9:00 a.m., on Wednesday, November 8, 2000, at:

Clark County Health District
Air Quality Division, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

On June 22, 2000, the District Board of Health approved revisions to Sections 0 [Definitions] and 9 [Penalties], and approved new Sections 90 [Fugitive Dust from Open Areas and Vacant Land], 91 [Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads], 92 [Fugitive Dust from Unpaved Parking Lots], 93 [Fugitive Dust from Paved Roads and Street Sweeping Equipment], and 94 [Permitting and Dust Control for Construction Activities] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified the need for publishing notice of public hearing for two sections and for some "clean-up" revisions to some of these regulations. In reviewing the public hearing notices for the sections listed above, it appears that no public notice was published in the local newspapers that addressed Sections 0 and 93. Through numerous workshops and Board of Health agenda descriptions there was abundant notice to the public. However, the newspaper notices advertising the hearings were deficient in mentioning Sections 0 and 93. Therefore, to address this oversight, staff requests public hearings be scheduled to accept public input on all the content of the Section 0 definitions and all the content in Section 93 considered in June. Furthermore, the department of Comprehensive Planning requests some clean-up changes to section 93. Section 0 is presented in Attachment I. Section 93 with draft revisions is presented in Attachment II.

Recently the District changed the name of the Air Pollution Control Division to the Air Quality Division. Throughout the regulations (from Section 0 to 94) are citations of the following items, persons, or groups:

Air Pollution Control Regulations
Air Pollution Control Board (Board of Health)
Air Pollution Control Hearing Officer
Air Pollution Control Hearing Board
Air Pollution Control Officer
Air Pollution Control Committee

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed modifications to Sections 0 and 93 of the Air Pollution Control Regulations. Persons supporting these modifications, as well as persons opposed to the modifications, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on November 16, 2000.

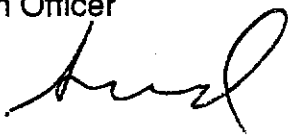
Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Modifications to Sections 0 and 93 are available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 15th day of October, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Mike A. Sword, Acting Director
Air Quality Division
Clark County Health District

Appendix F
Section B

**Documentation for Public Hearing
Process and Adoption of Rules**

Table F-2

Public Hearing Process and Adoption of Rules

Public Hearing and Adoption of Rules	Date	Public Notification Procedure
Public Hearing on Petition #13-00, Request to set Public Hearing on Section 0, 90, 91, 92, for 04/27/00 and Petition #14-00, Request for Public Hearing on Section 0, 9, 93, 94, 95, 96 for 05/25/00.	03/23/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #08-00 Section 0, 90, 91, 92 and to continue hearing to 05/25/00.	04/27/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #08-00 Section 0, 90, 91, 92 continuance and Public Hearing on Memorandum #09-00 Section 9, 93, 94, 95 and 96. Adoption of Section 93. Public Hearing on Section 9 and 94 continued to 06/22/00 board meeting.	05/25/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #12-00, Section 0, 90, 91, and 92. Memorandum #13-00, Public Hearing on Section 9, 93, and 94 continued from 05/25/00 board hearing. Board action - amendment of Section 0, and adoption of Sections 90, 91, 92, 93, and 94.	06/22/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #17-00, Section 94 Handbook including Best Management Practices (BMP) for Construction Activity, to consider adoption.	07/27/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #25-00, Section 94 Handbook including Best Management Practices (BMP) for Construction Activity, to consider adoption was continued from 07/27/00 hearing board. Board approves adoption of Section 94 Handbook including BMP's for Construction Activity.	08/24/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum #30 Section 12 and 19. Memorandum #31 to consider revisions to Section 9 and 94.	09/28/00	Mail Outs, and Posting in Key Locations. ¹
Public Hearing on Memorandum # 35 Section 0, 93 proposed changes, and Global Name Change from "Air Pollution Control," to "Air Quality," throughout the regulations. Board action – Adoption of revised Sections 0 and 93, and Global Name Change.	11/16/00	Mail Outs, and Posting in Key Locations. ¹

¹ Notifications provided pursuant to NRS 241.020 – Open Meeting Law.

DJK

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
March 23, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV
NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

RECOGNITION AWARD: Luther Creed, MD

- I. **CONSENT AGENDA:** Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
1. **Approve Minutes/Board of Health Meeting - 02/24/00**
 2. **Approve Payroll/Overtime for Periods of: 01/22/2000 - 02/04/2000 & 02/05/2000 - 02/18/2000**
 3. **Approve Accounts Payable Register - #777: 01/21/2000 - 02/03/2000, & #778: 02/04/2000 - 02/17/2000**
 4. **Petition #12-00 - Write-off of Uncollectible Private Patient Home Health Amounts**
 5. **Petition #13-00 - Request to Set a Public Hearing on April 27, 2000 to Update Section 0 [Definitions] and to Consider Draft New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots], Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements], Section 92 [Fugitive Dust From Unpaved Parking lots].**
 6. **Petition #14-00 - Request to Set a Public Hearing on May 25, 2000 to Update Section 0 [Definitions] and Consider Draft Revisions to Section 9 [Civil Penalties] to Increase the Minimum Fugitive Dust Violation Penalty at Construction Sites and at Stationary Sources to \$3000, and to Consider Draft New Regulations Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment], Section 94 [Dust Control Permits for Construction Activities], Section 95 [Fugitive Dust prevention, Control, and Mitigation for Construction Activities], Section 96 [Fugitive Dust Control Standards].**
 7. **Petition #15-00 - Appoint a Board Committee to Consider Nominations to Fill the Vacant Professional Engineer Position of the Air Pollution Control Hearing Board and to Consider Applications to Replace Legal Counsel for the Hearing Board: Members Christensen and Hardy**
 8. **Petition #16-00 - Appointment of Gary Carlson, AIA, Architect to Prepare Appropriate Blueprints for Construction of a Free Standing Clinic and Replacement Warehouse on Newly Acquired District Property and the Related Bid Specifications Therefore**
 9. **Petition #17-00 - Request to Set a Public Hearing on May 25, 2000 for Adopting Regulations Governing Transfer Stations and Materials Recovery Facilities (MRF) as Adopted by the State Environmental Commission**
 10. **Petition #18-00, Memorandum #07-99 - Fiscal Year 2000/2001 Tentative Budget Adoption**

11. **Petition #19-00** - Redefinition of Computer Programmer/Support Specialist - No Salary Change, Schedule 20; Redefinition of Computer Systems Analyst - No Salary Change, Schedule 22; New Classification for Senior Programmer Position, Schedule 22; New Classification Specification for Senior Systems Support Analyst Position, Schedule 24; New Classification Specification for Computer Systems Manager Position, Schedule 26
12. **Petition #20-00** - Redefinition of the Emergency Medical Services Field Representative Classification with a Decrease from Schedule 22 to Schedule 21
13. **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. **Request for Extension of a Variance** - for the Continued Use of an Individual Sewage Disposal System (ISDS) Serving Three (3) Mobile Restrooms Served by a Public Water System - **Petitioner:** Bill Tanner, Director, Public Works Department, City of Mesquite, Nevada
 - b. **Memorandum #05-00** - Application for Waiver of Southern Nevada Water Authority (SNWA) Alfred Merritt Smith Class III Landfill Requirements
 - c. **Memorandum #06-00** - Public Hearing to Consider Renewal of a Variance Request for Sandy Valley Volunteer Fire Department to Continue Advanced Life Support Level Ambulance Response
14. **Appointment** of Health Officer Annual Performance Evaluation Committee: Members Brown, Crowley & Christensen

II. **PUBLIC HEARING/ACTION**

No Public Hearings Scheduled

III. **REPORT/DISCUSSION/ACTION**

IV. **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.

V. **HEALTH OFFICER & STAFF REPORTS**

Air Quality Division: Annual Report on Wintertime Cleaner Burning and Oxygenated Gasoline

VI. **INFORMATIONAL ITEMS**

1. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of February
2. Listing of Food Establishments in Plan Review for the Period of 02/01/2000 to 02/29/2000
Environmental Health Division
3. Emergency Medical Services Annotated Agenda

4. Air Pollution Control:
 - a) Hearing Officer Annotated Agendas
 - b) Monthly Report, February 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, Regulation Development and Legislative Wrap-Up)
 - c) Hearing Board Annotated Agenda & Minutes
5. PM Emissions Control Research Advisory Committee Agenda and Minutes
6. Air Pollution Control Hearing Board Resolution for Improved Railroad Delivery Cooperation Related to Clean Air Act Mandate for Oxygenated Gasoline
7. Invitation to Bid Letter: Small Business Assistance Program for Clark County Health District's Air Quality Division
8. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

Prior to 430 am/pm on 3/15/00

I posted the agenda of the 3/23/00 meeting of the CLARK COUNTY DISTRICT BOARD OF HEALTH to be posted in the main lobby of the

District Health Center on Shadow Lane in Las Vegas, Nevada, and in the main lobbies at three other separate places within Clark County, Nevada, to wit:

- CLARK COUNTY GOVERNMENT CENTER
- LAS VEGAS CITY HALL
- 3. NORTH LAS VEGAS CITY HALL

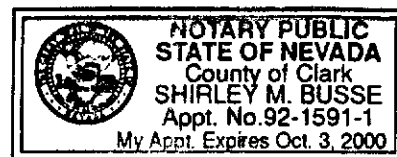
which is more than three (3) working days before such meeting in accordance with the provisions of NRS 241.020 (3)(b).

[Signature]
Signature:
 Clark County Health District Employee

Subscribed and sworn to before me

this 16th day of March ~~18~~ 2000

Shirley M. Busse
NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

Prior to 4:00 ~~am~~ pm on 3-15-00

I posted the agenda of the 3/23/00 meeting of the
(date)

CLARK COUNTY DISTRICT BOARD OF HEALTH to be posted in the main lobby of the

District Health Center on Shadow Lane in Las Vegas, Nevada, and in the main lobbies at three other separate places within Clark County, Nevada, to wit:

1. CLARK COUNTY GOVERNMENT CENTER
2. LAS VEGAS CITY HALL
- ~~3.~~ NORTH LAS VEGAS CITY HALL

which is more than three (3) working days before such meeting in accordance with the provisions of NRS 241.020 (3)(b).

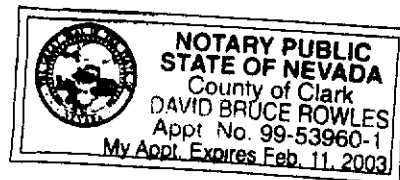
[Signature]
Signature:

Clark County Health District Employee

Subscribed and sworn to before me

this 16th day of March ~~2000~~ 2000

[Signature]
NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

TO: DISTRICT BOARD OF HEALTH

DT: March 23, 2000

RE: *Request to Set a Public Hearing to Consider Changes to Section 0 [Definitions] and Draft New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots], Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements], and Section 92 [Fugitive Dust From Unpaved Parking Lots]*

PETITION #13-00

That the District Board of Health receive the following draft regulations which address controlling dust from vacant lots, unpaved roads, unpaved alleys, unpaved easements and unpaved parking lots and schedule a public hearing for April 27, 2000.

PETITIONERS

Michael H. Naylor, Director, Air Quality Division *MHN*
Donald S. Kwalick, M.D., M.P.H., Chief Health Officer *DK*

DISCUSSION:

At the request of the Department of Comprehensive Planning, several new sections have been drafted for your consideration:

- Section 90 - Fugitive Dust From Open Areas And Vacant Lots
- Section 91 - Fugitive Dust From Unpaved Roads And Unpaved Alleys And Unpaved Easements)
- Section 92 - Fugitive Dust From Unpaved Parking Lots

An existing section, Section 0 [Definitions], has been updated to address new terms in the following new sections.

The draft amendments are presented at Attachment I.

APPROVED-BOARD OF HEALTH
DATE 3-23-00 *[Signature]*

1. Non-Attainment Issues

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) that achieves timely attainment.

The ultimate goal of adopting these new sections and other regulatory revisions will be PM₁₀ attainment status for the Valley by 2004.

The District operates 14 PM₁₀ stations in the Valley. One station — JD Smith — does not meet the annual standard of 50 µg/3. Its average PM₁₀ concentration for the last three years is 53 µg /M3.

EPA 24-hour standards for determining PM₁₀ attainment status require that each station must be in compliance on 99% of the days measured. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of 150 µg /M3. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level

Table 1

24-hour design values for the five stations not in attainment

Station	
24-hour standard set by EPA	150 µg /M3
Craig Road (near I/15)	254 µg /M3
East Flamingo (near Koval)	189 µg /M3
Green Valley (Arroyo Grande, Sanchez)	281 µg /M3
JD Smith (near Bruce and Owens)	218 µg /M3
Pittman (near Boulder Highway and Water Street)	239 µg /M3

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of dust emissions from the sources addressed by this petition is a significant contributor to the excess levels of PM₁₀. These emissions result in concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health. The current emissions estimates on an annual basis are estimated in

Table 2. Data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected in the next few months.

Table 2
Annual PM₁₀ Emissions estimates for the Las Vegas Valley

Category	Tons per year	Percent
Open areas, vacant lots, unpaved parking		
Unstable (disturbed)	6,511	5.19%
Stable	15,192	12.11%
Unpaved roads and unpaved alleys	6,212	4.95%
Construction activity including wind erosion	33,945	27.06%
Paved roads (includes trackout from construction)	55,672	44.38%
Stationary sources with District permits	1,151	0.92%
Other area sources such as meat cooking	1,432	1.14%
Other on-road mobile	1,265	1.01%
Non-road mobile	4,075	3.25%
Total	125,455	100%

Another emission inventory approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated with a high wind event with gusts of 40 miles per hour. On these days, the amount of dust from disturbed surfaces is a greater percentage of total emissions than those surfaces are on an annual average basis.

Table 3
Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas					
Unstable	16.3%	21.0%	21.12%	32.78%	34.89%
Stable	42.9%	8.5%	2.98%	6.28%	47.63%
Unpaved roads, alleys, and race tracks	9.69%	0.08%	3.70%	0.01%	1.79%
Unpaved parking	1.94%	-	-	-	3.08%
Paved roads	15.00%	38.82%	10.24%	40.56%	7.90%
Construction activity	12.9%	30.58%	61.27%	19.18%	3.57%
Stationary sources	0.90%	0.09%	0.49%	0.28%	0.97%
Other areas	-	-	-	-	-
Mobile exhaust	0.38%	1.02%	0.20%	0.91%	0.16%
Total	100%	100%	100%	100%	100%

2. Applicable sources of fugitive dust

These regulations apply to all vacant lots and open areas exceeding 5,000 square feet, all unpaved roads, all paved roads, and all unpaved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the Health District discovers that a given source (an unpaved road, vacant lot, unpaved alley, unpaved easement, or unpaved parking lot) is not in compliance with the stabilization test methods, the owner will be given a corrective action order to comply within 30 days of discovery. Failure to abide by the corrective action order is subject to further enforcement action.

A. Section 90 [*Fugitive Dust From Open Areas and Vacant Lots*]

Emission inventory assessments by the Department of Comprehensive Planning and PM₁₀ estimation studies by UNLV conclude that vacant lands within the Valley are significant contributors to excess levels of PM₁₀.

The Dept of Comprehensive Planning estimates that there are 151,189 acres of vacant land. Of this approximately 84% of the vacant land is believed to be stable and 16% is estimated to be unstable, leading to a total estimated emission of 21,700 tons. Most of this, 15,200 tons per year, is from stable land. Emissions from unstable land are estimated at 6,500 tons per year.

This estimate will be updated in the near future when results arrive for the Board of Health authorized satellite imagery project.

The critical time period is the emission rate on windy days with gusts exceeding 40 mile per hour. Table 1 above illustrates the role of unstable vacant land at the five stations not in attainment. Unstable land accounts for a low 3% of the man-made emissions near the Green Valley station to a high of about 48% at the Pittman station neighborhood.

Areas are required to meet the following stabilization standards:

Stabilization Standards and Test Methods

- I. Compliance with Drop Ball Test, or
- II. Compliance with Threshold Friction Velocity Test, or
- III. Compliance with Rock Test Method (for Non-Erodible Surface Elements)

Areas that fail all three tests must apply one or more of the following control measures:

Control Measures (Disturbed Areas):

- I. Prevent motor vehicle access and stabilize or
- II. Apply dust suppressants to disturbed surfaces, or
- III. Apply and maintain uniform surface gravel cover, or
- IV. Apply and maintain alternative control approved by EPA

Based on the UNLV survey, we tentatively project that 16% of the vacant land will fail the tests for stabilization.

The cost of fencing or preventing access is tentatively estimated at \$2,000 per acre. We do not have an estimate of how much land has vehicle access and must be fenced or secured.

The cost per application of dust stabilizers such as polymers, mulch, and petroleum products is approximately \$1,500 per acre. Applications would be necessary from as often as twice a year to once per several years. Based on an estimate of 24,000 acres of unstable land, the estimated initial valley-wide cost of applying dust suppressants is \$24 to \$36 million.

Based on field observations of staff, unstable soils in open areas in the northern and northeastern portions of the valley seem most susceptible to reentrainment during high winds.

B. Section 91 [*Fugitive Dust From Unpaved Roads, Unpaved alleys and Unpaved Easements*]

This category includes publicly maintained unpaved roads and unpaved alleys, unpaved easements, and privately owned 'desert shortcuts' and unofficial recreational vehicle 'racetracks' in some open areas. The County's consultant Dames and Moore identified 'racetracks' in the vicinity of the Craig Road and Green Valley stations.

According to the annual emission estimates, unpaved roads account for about 5% of total valley emissions. On the days with high winds, the unpaved roads (publicly and non-publicly maintained) account for 0% (JD Smith) to about 10% (Craig Road) of the emission in the proximity of the five stations not in attainment of the 24-hour standard. The Department of Comprehensive Planning estimates that there are 145 miles of publicly maintained roads among the four municipalities, including the unincorporated

county, in the valley (this does not include the alleys). The inventory of non-publicly maintained roads is not available at present.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads.

The proposal mandates the paving or periodic stabilization of all unpaved roads in the valley. It also prohibits future construction of unpaved roads unless such roads are a temporary component of an ongoing, funded road-paving project.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads, alleys and easements: May 1, 2001, for roads exceeding 150 trips per day, and May 1, 2002, for the balance of the roads.

The District estimates that implementation of this regulation will reduce emissions from unpaved roads and alleys by 99%.

Based on a tentative estimate of \$200,000 for paving per mile of road, the total cost of paving the publicly maintained roads is estimated at \$29 million. Owners of privately maintained unpaved roads may opt to pave the road or prevent use of the road. A cost estimate is not available for paving the non-publicly maintained unpaved roads.

C. Section 92 [*Fugitive Dust From Unpaved Parking Lots*]

This category has not been inventoried on a valley-wide basis. The satellite project should be able to locate this category. The lots have been accounted for in the five micro-inventory locations. At the five neighborhoods surrounding the stations, they account for 0% to about 3% of total emissions.

Unpaved parking lot owners would have the options of closing and fencing the lots, stabilizing, or paving them. The compliance date for existing unpaved parking lots is May 1, 2001. New unpaved parking lots are prohibited after January 1, 2001. Costs have not been estimated at this time.

3. Stakeholder Consultation

The Air Quality Division in coordination with the Department of Comprehensive Planning has held several workshops and anticipates one or two workshops before the public hearing being requested for April 27. An industry consortium, coordinated by the Southern Nevada Homebuilders (including National Association of Industrial and Office Properties, Howard Hughes Development Corp, Dell Webb Associated General Contractors, and others), has presented suggested regulatory language, most of which has

been assimilated into today's draft regulation sections. The industry group has called for lower thresholds (in fact zero thresholds for acreage and traffic counts) for applicability of vacant lots, unpaved parking lots, and unpaved roads, as compared to the initial drafts prepared by staff. At this point, we have not reached consensus on how to handle paved parking lots or paved alleys. The regulations have been reviewed and endorsed (for further processing) by the County's Environmental Advisory Committee.

We have attended several briefings with representatives of local public works departments and the State Department of Transportation.

4. Public Education Campaign

If the proposed regulations are adopted by the Board, staff recommends that a substantial public education campaign be conducted during the summer months of this year, so that all property owners of vacant land and unpaved roads are fully aware of the implications of the new regulations. We believe this effort can be coordinated with the County Commission's Environmental Advisory Committee, which was founded by Commissioner Erin Kenny.

5. Hiring Additional Staff and Developing Revenue Source

The Air Quality Division believes that a new enforcement section of up to ten persons may need to be recruited to implement this proposed program. This includes one supervisor, one administrative secretary, two clerical staff, and six enforcement officers. On an annual basis, the cost of salaries and benefits is estimated at \$450,000. The revenue source has not been identified. One possibility is to ask the Board to increase the dust control permit fee for construction activity by \$24. The County requests that the Board make a commitment to this funding level by June 2000. The funding commitment is needed for inclusion in the State Implementation Plan.

6. Phase Out of Emission Reduction Credit Program for Paving Unpaved Roads

Section 12 of the regulations provides a formula for awarding emission reduction credits for the paving of publicly maintained unpaved roads which are not scheduled for development or paving by others. Over 65 miles of road have been paved as a result of this program. The basis for awarding credits is that the roads were voluntarily paved. Today's proposals mandate paving of unpaved roads. Since future paving would no longer be voluntary, the road paving credit provisions of section 12 should be removed.

7. Developing New Methods of Awarding Emission Reduction Credits If the Road-Paving Credit Mechanism Is Removed

Staff is developing concepts for a mobile source emission reduction credit process. In concept, fleet owners of on-road trucks and busses and off-road mobile equipment such as trenchers, scraper and backhoes could earn credits if they use cleaner fuels or install tailpipe emission controls on their vehicles and equipment. The concept has some advantages over the road-paving program in that all the products of fuel combustion (PM₁₀, sulfur dioxide, volatile organic compounds, carbon monoxide, and oxides of nitrogen, as well as smoke) could be reduced by use of cleaner fuels or tailpipe controls. If the Board adopts today's proposals, staff intends to return in a few months with draft regulations that remove the road-paving credit provisions and to add a credit provision for mobile source emission reduction projects. Presently, Nevada Ready Mix, Las Vegas Paving, and Hanson Materials are operating some equipment on oxygenated diesel fuel as part of a pilot project to demonstrate the concept. The oxygenated diesel fuel reduces emissions of PM₁₀ and smoke, as well as carbon monoxide and oxides of nitrogen.

8. Public Notice

If the petition is approved, a notice of public hearing for April 27 will be published in the Review Journal/Sun on Sunday, March 26, 2000.

Attachments

- I. Draft Regulation Amendments Sections 0, 90, 91 92
- II. Valley-Wide Emission Inventory



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

TO: DISTRICT BOARD OF HEALTH

DT: March 23, 2000

RE: *Request to Set a Public Hearing to Consider Changes to Section 0 [Definitions], and Consider Draft Revisions to Section 9 [Civil Penalties] to Increase the Minimum Fugitive Dust Violation Penalty at Construction Sites and at Stationary Sources to \$3000, and to Consider Draft New Regulations Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment], Section 94 [Dust Control Permits for Construction Activities], Section 95 [Fugitive Dust Prevention, Control, and Mitigation for Construction Activities], and Section 96 [Fugitive Dust Control Standards].*

PETITION #14-00

That the District Board of Health receive the following draft regulations which address civil penalties for fugitive dust violations, permitting of construction activity, prohibiting fugitive dust from construction activity, and minimizing dust reentrained from paved roads, and schedule a public hearing for May 25, 2000.

PETITIONERS

Michael H. Naylor, Director, Air Quality Division *MHN*
Donald S. Kwalick, M.D., M.P.H., Chief Health Officer *DK*

DISCUSSION:

Draft amendments to existing regulations have been prepared and the sections are being renumbered. At the request of the Department of Comprehensive Planning, a new section of draft regulations is presented for paved roads. The following draft regulations are presented for your consideration. We expect that the draft language will be modified before the start of the public comment period which will be at least 30 days prior to the date of May 25, 2000.

APPROVED-BOARD OF HEALTH
DATE 3-23-00 *[Signature]*

Draft regulatory language is submitted for the following sections:

Section 0 - Definitions

Section 9 - Civil Penalties (increases the penalties for fugitive dust violations)

Section 93 - Fugitive Dust from Paved Roads and Street Sweeping Equipment

Section 94 - Dust Control Permit for Construction Activities surface (this will replace Section 17)

Section 95 - Fugitive Dust Prevention, Control, and Mitigation for construction activities (replaces and updates portions of Section 41)

Section 96 - Fugitive Dust Control Standards (replaces and updates other portions of Section 41)

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) which achieves timely attainment.

The ultimate goal of adopting these new sections with other regulatory revisions is to achieve PM₁₀ attainment status for the Valley by 2004.

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 µg/3 or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 µg/M3.

EPA 24-hour standards for determining PM₁₀ require that each station must be in compliance on 99% of the days measured. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of 150 µg/M3. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have 'third highest concentrations exceeding this level.

Table 1
24-hour design values for the five stations not in attainment

Station	
24 hour standard set by EPA	150 µg/M3
Craig Road (near I/15)	254 µg/M3
East Flamingo (near Koval)	189 µg/M3
Green Valley (Arroyo Grande, Sanchez)	281 µg/M3
JD Smith (near Bruce and Owens)	218 µg/M3
Pittman (near Boulder Highway and Water street)	239 µg/M3

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of dust emissions from construction activity is a significant contributor to excess levels of PM₁₀. The overall emissions result in concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The current emissions estimates on an annual basis are estimated in Table 2. Data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected in the next few months.

Table 2
Annual PM₁₀ Emissions estimates for the Las Vegas Valley

Category	Tons per year	Percent
Open areas, vacant lots, unpaved parking		
Unstable (disturbed)	6,511	5.19%
Stable	15,192	12.11%
Unpaved roads and unpaved alleys	6,212	4.95%
Construction activity including wind erosion	33,945	27.06%
Paved roads (includes trackout from construction)	55,672	44.38%
Stationary sources with District permits	1,151	0.92%
Other area sources such as meat cooking	1,432	1.14%
Other on-road mobile	1,265	1.01%
Non-road mobile	4,075	3.25%
Total	125,455	100%

Table 3
Components of Construction activity emissions

Category	Tons per year
Construction activity fugitive dust (routine emissions)	21,200
Windblown construction dust	10,800
Paved road dust (includes track out)	55,672
Highway construction projects activities (routine emissions)	1,158
Highway construction projects-wind erosion	787
Total (this includes all construction plus paved road dust emissions)	89,617

Another emission inventory approach looks at the emissions in the 16 square kilometers (or about 6 square miles) that is centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated with a high wind event (gusts of 40 miles per hour or greater). On these days, the amount of dust from disturbed surfaces is a greater percentage of total emissions than those surfaces contribute on an annual average basis.

Table 4

Relative contributions from different sources in proximity of the five stations not in attainment of the 24-hour standard on days with wind gusts exceeding 40 miles per hour (from Dames and Moore report to Clark County, Feb. 2000)

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas					
Unstable	16.3%	21.0%	21.12%	32.78%	34.89%
Stable	42.9%	8.5%	2.98%	6.28%	47.63%
Unpaved roads, alleys, and race tracks	9.69%	0.08%	3.70%	0.01%	1.79%
Unpaved parking	1.94%	-	-	-	3.08%
Paved road	15.00%	38.82%	10.24%	40.56%	7.90%
Construction					
Wind erosion	10.25%	27.86%	52.94%	17.79%	3.03%
Construction activities	2.56%	2.50%	8.24%	1.22%	3.57%
Track-out	0.08%	0.22%	0.09%	0.17%	0.03%
Construction subtotal	12.89%	30.58%	61.27%	19.18%	3.57%
Stationary sources	0.90%	0.09%	0.49%	0.28%	0.97%
Other areas	-	-	-	-	-
Mobile exhaust	0.38%	1.02%	0.20%	0.91%	0.16%
Total	100%	100%	100%	100%	100%

A. Section 9 [Civil Penalties]

The minimum fugitive dust violation penalty at construction sites and at stationary sources should be increased to \$3000.

B. Section 93 [*Fugitive Dust from Paved Roads and Street Sweeping Equipment*]

According to the annual emissions inventory in Table 3, paved road dust (which includes dust reentrained from track out from construction sites) accounts for 44% of total emissions. This estimate is not supported by the 'common sense' test, which suggests a much lower percentage. However, it is the amount calculated by the EPA estimation protocol. The District estimates that the actual contribution from paved roads is less than 10%.

The draft rule has several basic components

- 1) Starting Jan 1, 2001, new roads and roads being modified or rebuilt will be required to include eight feet of stabilized shoulders.
- 2) Starting Jan 1, 2001, each year for 20 years, 5 percent of the existing roads without stabilized shoulders would need to be upgraded to include shoulder stabilization as required for new and modified roads.
- 3) Starting in the year 2003, only street sweepers certified as low PM₁₀ emitters shall be purchased by the municipal public works agencies.

At the workshop on March 8, stakeholders identified several areas of ambiguity and staff has agreed to revise the language to clarify the requirements. The costs of this program have not been identified at this time nor have the benefits been estimated. This information should be available several weeks before the requested public hearing date of May 25, 2000.

C. Section 94 [*Dust Control Permit for Construction Activities*]

On a valley-wide basis, construction activities (not including the paved road dust component) account for an estimated 27% of the annual PM₁₀ emissions (see Table 2). In the proximity areas of the five stations not in attainment, construction activity is estimated to contribute from 3% (Pittman) to 61% (Green Valley) of total daily emissions on days with high winds. Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. Furthermore, as Table 4 illustrates for the high wind days, most of the construction activity emissions are attributed to wind erosion.

In 1999, the District issued dust control permits for construction activity that covered 20,100 acres on approximately 1600 projects. For perspective, at Petition 13-00, the Districts estimates that there are approximately 151,000 acres of vacant, developable land in the valley, of which about 24,000 acres is believed to be unstable and a source of excess dust emissions during high wind events. One option an owner has for addressing unstable vacant land is to develop the parcel.

A key educational and enforcement tool to minimize the construction emissions is the development of a Best Practices Management Manual. This manual will be available for distribution in late March. The manual has been prepared by the contractor hired by the Board of Health, Dames and Moore.

We estimate that the combined effect of the three sections will reduce emissions from 1995 levels, on a per acre basis, by approximately 30%.

The effective date for compliance is September 1, 2000.

We do not have an estimate for the additional cost of complying with the new initiatives. Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation which could increase cost of job site supervision.

The draft rule expands the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and references control measures specified in the Best Management Practices Manual. This will replace Section 17.

D. Section 95 [Fugitive Dust Prevention, Control, and Mitigation for Construction Activities]

This draft section incorporates many of the dust permit conditions now required but not specifically mentioned in the current regulations. Subsections provide for maintaining dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, earthmoving operations, trenching, explosive blasting, record keeping, and other procedures. It replaces and updates portions of Section 41.

E. Section 96 [Fugitive Dust Control Standards]

This regulation is used for enforcement purposes when reasonable precautions are not being followed and dust plumes exceed 100 yards or visible dust is observed crossing the property line. It replaces and updates Section 41.

Stakeholder Consultation

This effort will start later this month. We anticipate three workshops will be held before the public hearing on May 25, 2000. The first workshop is scheduled for the week of April 3, 2000.

Public Notice

The public notice for the hearing should be published on Sunday April 23, in the Las Vegas Review Journal/Sun. Copies of the notice will be mailed to our distribution list of construction activity permittees.

Attachments

- I. Draft Regulation Amendments Sections 0, 9, 93, 94, 95, 96
- II. Valley-Wide Emission Inventory

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
April 27, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV
NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE
CALL TO ORDER

- I. **CONSENT AGENDA:** Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
 - 1. **Approve Minutes/Board of Health Meeting - 03/23/00**
 - 2. **Approve Payroll/Overtime for Periods of:** 02/19/2000 - 03/03/2000 & 03/04/2000 - 03/17/2000
 - 3. **Approve Accounts Payable Register - #779:** 02/18/2000 - 03/03/2000, & **#780:** 03/06/2000 - 03/17/2000
 - 4. **Petition #22-00** - Request to Reappoint Two Air Pollution Control Hearing Officer Expired Terms: Lorraine Marshall and Dennis Davis
 - 5. **Petition #23-00** - Approval of a New Position and Classification Specification for Centralized Case Manager Coordinator to be Placed on Schedule 24 (\$43,465.76 to \$60,648.64 Annually)
 - 6. **Petition #24-00** - Approval of a Classification Specification for Air Quality Manager to be Placed on Schedule 27 (\$50,654.24 to \$70,703.36 Annually)
 - 7. **Petition #27-00** - North Las Vegas Public Health Center Remodeling Project: Selection of Bidder and Authorization of Staff to Prepare the Appropriate Contract Therefor
 - 8. **Petition #28-00** - Air Quality Division-Small Business Assistance Program (SBAP): Selection of Bidder and Authorization of Staff to Prepare Appropriate Contract Therefor
 - 9. **Petition #29-00** - Approval of Architect's Design and Floor Plan for New Tuberculosis Clinic Building and New Two-Story Warehouse Building/Receiving Dock and Authorization of Staff to Complete and Publish Appropriate Bid Specifications Therefor
 - 10. **Petition #31-00** - Appointment to PM10 Emissions Control Research Advisory Committee: Nevada Resort Association Nominee Richard Bunker
 - 11. **Petition #32-00** - Request to Seek Alternates for Members of the Air Pollution Control Hearing Board

II. PUBLIC HEARING/ACTION

- 1. **Memorandum #08-00** - Public Hearing to Proposed Changes to Section 0 [Definitions]; and Proposed New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots]; Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements]; and Section 92 [Fugitive Dust From Unpaved Parking lots]. Staff Recommends that the Board Today Receive Testimony From the Public and Continue the Hearing to May 25, 2000

III. REPORT/DISCUSSION/ACTION

1. Health Officer Annual Performance Evaluation Committee Report and Recommendations:
Members Brown, Crowley & Christensen
2. **Petition #25-00** - Retaining a Professional Lobbyist (Member Kenny Requested Item)

IV. 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.

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of February
2. Listing of Food Establishments in Plan Review for the Period of 03/01/2000 to 03/31/2000
Environmental Health Division
3. Emergency Medical Services Annotated Agenda
4. Air Pollution Control:
 - a) Hearing Officer Annotated Agendas
 - b) Monthly Report, March 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, Regulation Development and Legislative Wrap-Up)
 - c) Hearing Board Annotated Agenda & Minutes
 - d) Notice of Public Hearing: Application for an Exemption for a Low Pollinating Tree, June 8, 2000 @ 1:30 pm in the Air Pollution Control Annex Building
5. Dr. Kwalick Awarded the Highest Honor - Fellowship from the American College of Physician Executives
6. Farmer's Market Background Information
7. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1171383

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3
edition(s) of said newspaper issued from 03/26/00 to 04/09/2000, on
the following days: MARCH 26, APRIL 2, 9, 2000

Signed:

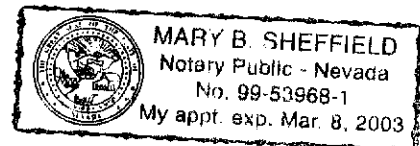
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of April 2000

Mary B. Sheffield
Notary Public

PLEASE SEE ATTACHED



PROPOSED AIR POLLUTION CONTROL REGULATION

NOTICE is hereby given that the Clark County District Board of Health is considering adoption of proposed Air Pollution Control Regulations entitled Section 90, Fugitive Dust From Open Areas and Vacant Lots, Section 91, Fugitive Dust From Unpaved Roads and Unpaved Alleys and Unpaved Easements, and Section 92, Fugitive Dust From Unpaved Parking Lots. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 A.M. on Thursday, April 27, 2000 at:

Clark County Health District
Clemens Room, 625 Shadow Lane, Las Vegas, Nevada 89106

At the request of the Department of Comprehensive Planning, several new sections have been proposed:

Section 90 - Fugitive Dust From Open Areas And Vacant Lots
Section 91 - Fugitive Dust From Unpaved Roads And Unpaved Alleys And Unpaved Easements)
Section 92 - Fugitive Dust From Unpaved Parking Lots

An existing section, Section 0 (Definitions), has been updated to address new terms in the following new sections.

The Proposed Sections 90, 91 and 92 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or e-mailed to you.

1. Non-Attainment Issues

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) that achieves timely attainment.

The ultimate goal of adopting these new sections and other regulatory revisions will be PM₁₀ attainment status for the Valley by 2004.

The District operates 14 PM₁₀ stations in the valley. One station, JD Smith, does not meet the annual standard of 50 g/3. Its average PM₁₀ concentration for the last three years is 53 g/M3.

EPA 24-hour standards for determining PM₁₀ attainment status require that each station must be in compliance on 99% of the days measured. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of 150 g/M3. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level.

Table 1

24-hour design values for the five stations not in attainment

Station	Design Value (g/M3)
24-hour standard set by EPA	150 g/M3
Craig Road (near I/15)	254 g/M3
East Flamingo (near Koval)	189 g/M3
Green Valley (Arroyo Grande, Sanchez)	281 g/M3
JD Smith (near Bruce and Owens)	218 g/M3
Pittman (near Boulder Highway and Water Street)	239 g/M3

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of dust emissions from the sources addressed by this petition is a significant contributor to the excess levels of PM₁₀. These emissions result in concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health. The current emissions estimates on an annual basis are estimated in Table 2. Data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected in the next few months.

Table 2

Annual PM₁₀ Emissions estimates for the Las Vegas Valley

Category	Tons Per Year	Percent
Open areas, vacant lots, unpaved parking		
Unstable (disturbed)	6,511	5.19%
Stable	15,192	12.11%
Unpaved roads and unpaved alleys	6,212	4.95%
Construction activity including wind erosion	33,945	27.06%
Paved roads (includes trackout from construction)	55,672	44.38%
Stationary sources with District permits	1,151	0.92%
Other area sources such as meat cooking	1,432	1.14%
Other on-road mobile	1,265	1.01%
Non-road mobile	4,075	3.25%
Total	125,455	100%

Another emission inventory approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated with a high wind event with gusts of 40 miles per hour. On these days, the amount of dust from disturbed surfaces is a greater percentage of total emissions than those surfaces are on an annual average basis.

Table 3

Relative contributions from different sources in proximity to the five stations
not in attainment of the 24-hr standard

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas					
Unstable	16.3%	21.0%	21.12%	32.79%	34.89%
Stable	42.9%	8.5%	2.98%	6.28%	47.63%
Unpaved roads, alleys, and race tracks	9.69%	0.08%	3.70%	0.01%	1.79%
Unpaved parking	1.94%				3.08%
Paved roads	15.00%	38.82%	10.24%	40.56%	7.90%
Construction activity	12.9%	30.58%	61.27%	19.18%	3.57%
Stationary sources	0.90%	0.09%	0.49%	0.28%	0.97%
Other areas					
Mobile exhaust	0.38%	1.02%	0.20%	0.91%	0.16%
Total	100%	100%	100%	100%	100%

2. Applicable sources of fugitive dust

These regulations apply to all vacant lots and open areas exceeding 5,000 square feet, all unpaved roads, including roads on easements, all paved roads, and all unpaved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the

roads on easements, all paved roads, and all paved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the Health District discovers that a given source (an unpaved road, vacant lot, unpaved alley, unpaved easement, or unpaved parking lot) is not in compliance with the stabilization test methods, the owner will be given a corrective action order to comply within 30 days of discovery. Failure to abide by the corrective action order is subject to further enforcement action.

A. Section 90 [Fugitive Dust From Open Areas and Vacant Lots]

Emission inventory assessments by the Department of Comprehensive Planning and PM₁₀ estimation studies by UNLV conclude that vacant lands within the Valley are significant contributors to excess levels of PM₁₀.

The Dept of Comprehensive Planning estimates that there are 151,189 acres of vacant land. Of this approximately 84% of the vacant land is believed to be stable and 16% is estimated to be unstable, leading to a total estimated emission of 21,700 tons. Most of this, 15,200 tons per year, is from stable land. Emissions from unstable land are estimated at 6,500 tons per year. This estimate will be updated in the near future when results arrive for the Board of Health authorized satellite imagery project.

The critical time period is the emission rate on windy days with gusts exceeding 40 mile per hour. Table 1 above illustrates the role of unstable vacant land at the five stations not in attainment. Unstable land accounts for a low 3% of the man-made emissions near the Green Valley station to a high of about 48% at the Pittman station neighborhood.

Areas are required to meet the following stabilization standards:

Stabilization Standards and Test Methods

- I. Compliance with Drop Ball Test, or
- II. Compliance with Threshold Friction Velocity Test, or
- III. Compliance with Rock Test Method (for Non-Erodible Surface Elements)

The effective date for compliance is January 1, 2001, or May 1, 2001.

Areas that fail all three tests must apply one or more of the following control measures:

Control Measures (Disturbed Areas):

- I. Prevent motor vehicle access and stabilize or
- II. Apply dust suppressants to disturbed surfaces, or
- III. Apply and maintain uniform surface gravel cover, or
- IV. Apply and maintain alternative control approved by EPA

Based on the UNLV survey, we tentatively project that 16% of the vacant land will fail the tests for stabilization.

The cost of fencing or preventing access is tentatively estimated at \$2,000 per acre. We do not have an estimate of how much land has vehicle access and must be fenced or secured,

The cost per application of dust stabilizers such as polymers, mulch, and petroleum products is approximately \$1,500 per acre. Applications would be necessary from as often as twice a year to once per several years. Based on an estimate of 24,000 acres of unstable land, the estimated initial valley-wide cost of applying dust suppressants is \$24 to \$36 million.

Based on field observations of staff, unstable soils in open areas in the northern and northeastern portions of the valley seem most susceptible to reentrainment during high winds.

B. Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys and Unpaved Easements]

This category includes publicly maintained unpaved roads and unpaved alleys, unpaved easements, and privately owned desert shortcuts and unofficial recreational vehicle racetracks in some open areas. The County's consultant, Dames and Moore, identified racetracks in the vicinity of the Craig Road and Green Valley stations.

According to the annual emission estimates, unpaved roads account for about 5% of total valley emissions. On the days with high winds, the unpaved roads (publicly and nonpublicly maintained) account for 0% (RD Smith) to about 10% (Craig Road) of the emission in the proximity of the five stations not in attainment of the 24-hour standard. The Department of Comprehensive Planning estimates that there are 145 miles of publicly maintained roads among the four municipalities, including the unincorporated county, in the valley (this does not include the alleys). The inventory of non-publicly maintained roads is not available at present.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads. The proposal mandates the paving or periodic stabilization of all unpaved roads in the valley. It also prohibits future construction of unpaved roads unless such roads are a temporary component of an ongoing, funded road-paving project.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads, alleys and easements: January 1, 2001, or May 1, 2001, for roads exceeding 150 trips per day, and January 1, 2002, or May 1, 2002, for the balance of the roads. New unpaved roads are prohibited after July 1, 2000. The District estimates that implementation of this regulation will reduce emissions from unpaved roads and alleys by 99%.

Based on a tentative estimate of \$200,000 for paving per mile of road, the total cost of paving the publicly maintained roads is estimated at \$29 million. Owners of privately maintained unpaved roads may opt to pave the road or prevent use of the road. A cost estimate is not available for paving the non-publicly maintained unpaved roads.

C. Section 92 [Fugitive Dust From Unpaved Parking Lots]

This category has not been inventoried on a valley-wide basis. The satellite project should be able to locate this category. The lots have been accounted for in the five microinventory locations. At the five neighborhoods surrounding the stations, they account for 0% to about 3% of total emissions.

Unpaved parking lot owners would have the options of closing and fencing the lots, stabilizing, or paving them. The compliance date for existing unpaved parking lots is January 1, 2001, or May 1, 2001. New unpaved parking lots are prohibited after July 1, 2000. Costs have not been estimated at this time.

PUBLIC COMMENTING

It is the intent of the Board to accept testimony on all aspects of this proposal. Persons supporting the proposed regulation as well as persons opposed to the proposed regulation are invited to present their views. All persons may submit data, views or comments in writing to the Board of Health or may appear or make an oral presentation at the hearing. The Board will receive and discuss written and oral submissions to the draft amendments and proposed deletions at the Public Hearing on April 27, 2000. Written testimony should be addressed to, Chairman Sherry Colquitt, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION

The Proposed Sections 90, 91, and 92 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or emailed to you.

Dated this 26th day of March, 2000
Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Michael H. Naylor, Director, Air Quality Division
Clark County Health District



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

PROPOSED AIR POLLUTION CONTROL REGULATION

NOTICE is hereby given that the Clark County District Board of Health is considering adoption of proposed Air Pollution Control Regulations entitled *Section 90, Fugitive Dust From Open Areas and Vacant Lots, Section 91, Fugitive Dust From Unpaved Roads and Unpaved Alleys and Unpaved Easements, and Section 92, Fugitive Dust From Unpaved Parking Lots*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 A.M. on Thursday, April 27, 2000 at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

At the request of the Department of Comprehensive Planning, several new sections have been proposed:

- Section 90 - Fugitive Dust From Open Areas And Vacant Lots
- Section 91 - Fugitive Dust From Unpaved Roads And Unpaved Alleys And Unpaved Easements)
- Section 92 - Fugitive Dust From Unpaved Parking Lots

An existing section, Section 0 [Definitions], has been updated to address new terms in the following new sections.

The Proposed Sections 90, 91, and 92 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or e-mailed to you.

1. Non-Attainment Issues

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) that achieves timely attainment.

The ultimate goal of adopting these new sections and other regulatory revisions will be PM₁₀ attainment status for the Valley by 2004.

The District operates 14 PM₁₀ stations in the Valley. One station — JD Smith — does not meet the annual standard of 50 µg/3. Its average PM₁₀ concentration for the last three years is 53µg /M3.

EPA 24-hour standards for determining PM₁₀ attainment status require that each station must be in compliance on 99% of the days measured. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of 150 µg /M3. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level

Table 1

24-hour design values for the five stations not in attainment

Station	
24-hour standard set by EPA	150 µg /M3
Craig Road (near I/15)	254 µg /M3
East Flamingo (near Koval)	189 µg /M3
Green Valley (Arroyo Grande, Sanchez)	281 µg /M3
JD Smith (near Bruce and Owens)	218 µg /M3
Pittman (near Boulder Highway and Water Street)	239 µg /M3

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of dust emissions from the sources addressed by this petition is a significant contributor to the excess levels of PM₁₀. These emissions result in concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health. The current emissions estimates on an annual basis are estimated in Table. 2. Data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected in the next few months.

Table 2

Annual PM₁₀ Emissions estimates for the Las Vegas Valley

Category	Tons per year	Percent
Open areas, vacant lots, unpaved parking		
Unstable (disturbed)	6,511	5.19%
Stable	15,192	12.11%
Unpaved roads and unpaved alleys	6,212	4.95%
Construction activity including wind erosion	33,945	27.06%
Paved roads (includes trackout from construction)	55,672	44.38%
Stationary sources with District permits	1,151	0.92%
Other area sources such as meat cooking	1,432	1.14%
Other on-road mobile	1,265	1.01%
Non-road mobile	4,075	3.25%
Total	125,455	100%

Another emission inventory approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated with a high wind event with gusts of 40 miles per hour. On these days, the amount of dust from disturbed surfaces is a greater percentage of total emissions than those surfaces are on an annual average basis.

Table 3

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas					
Unstable	16.3%	21.0%	21.12%	32.78%	34.89%
Stable	42.9%	8.5%	2.98%	6.28%	47.63%
Unpaved roads, alleys, and race tracks	9.69%	0.08%	3.70%	0.01%	1.79%
Unpaved parking	1.94%	-	-	-	3.08%
Paved roads	15.00%	38.82%	10.24%	40.56%	7.90%
Construction activity	12.9%	30.58%	61.27%	19.18%	3.57%
Stationary sources	0.90%	0.09%	0.49%	0.28%	0.97%
Other areas	-	-	-	-	-
Mobile exhaust	0.38%	1.02%	0.20%	0.91%	0.16%
Total	100%	100%	100%	100%	100%

2. Applicable sources of fugitive dust

These regulations apply to all vacant lots and open areas exceeding 5,000 square feet, all unpaved roads, including roads on easements, all paved roads, and all unpaved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the Health District discovers that a given source (an unpaved road, vacant lot, unpaved alley, unpaved easement, or unpaved parking lot) is not in compliance with the stabilization test methods, the owner will be given a corrective action order to comply within 30 days of discovery. Failure to abide by the corrective action order is subject to further enforcement action.

A. Section 90 [Fugitive Dust From Open Areas and Vacant Lots]

Emission inventory assessments by the Department of Comprehensive Planning and PM₁₀ estimation studies by UNLV conclude that vacant lands within the Valley are significant contributors to excess levels of PM₁₀.

The Dept of Comprehensive Planning estimates that there are 151,189 acres of vacant land. Of this approximately 84% of the vacant land is believed to be stable and 16% is estimated to be unstable, leading to a total estimated emission of 21,700 tons. Most of this, 15,200 tons per year, is from stable land. Emissions from unstable land are estimated at 6,500 tons per year.

This estimate will be updated in the near future when results arrive for the Board of Health authorized satellite imagery project.

The critical time period is the emission rate on windy days with gusts exceeding 40 mile per hour. Table 1 above illustrates the role of unstable vacant land at the five stations not in attainment. Unstable land accounts for a low 3% of the man-made emissions near the Green Valley station to a high of about 48% at the Pittman station neighborhood.

Areas are required to meet the following stabilization standards:

Stabilization Standards and Test Methods

- I. Compliance with Drop Ball Test, or
- II. Compliance with Threshold Friction Velocity Test, or
- III. Compliance with Rock Test Method (for Non-Erodible Surface Elements)

The effective date for compliance is January 1, 2001, or May 1, 2001..

Areas that fail all three tests must apply one or more of the following control measures:

Control Measures (Disturbed Areas):

- I. Prevent motor vehicle access and stabilize or
- II. Apply dust suppressants to disturbed surfaces, or
- III. Apply and maintain uniform surface gravel cover, or
- IV. Apply and maintain alternative control approved by EPA

Based on the UNLV survey, we tentatively project that 16% of the vacant land will fail the tests for stabilization.

The cost of fencing or preventing access is tentatively estimated at \$2,000 per acre. We do not have an estimate of how much land has vehicle access and must be fenced or secured.

The cost per application of dust stabilizers such as polymers, mulch, and petroleum products is approximately \$1,500 per acre. Applications would be necessary from as often as twice a year to once per several years. Based on an estimate of 24,000 acres of unstable land, the estimated initial valley-wide cost of applying dust suppressants is \$24 to \$36 million.

Based on field observations of staff, unstable soils in open areas in the northern and northeastern portions of the valley seem most susceptible to reentrainment during high winds.

B. Section 91 [Fugitive Dust From Unpaved Roads, Unpaved alleys and Unpaved Easements]

This category includes publicly maintained unpaved roads and unpaved alleys, unpaved easements, and privately owned 'desert shortcuts' and unofficial recreational vehicle 'racetracks' in some open areas. The County's consultant Dames and Moore identified 'racetracks' in the vicinity of the Craig Road and Green Valley stations.

According to the annual emission estimates, unpaved roads account for about 5% of total valley emissions. On the days with high winds, the unpaved roads (publicly and non-publicly maintained) account for 0% (JD Smith) to about 10% (Craig Road) of the emission in the proximity of the five stations not in attainment of the 24-hour standard. The Department of Comprehensive Planning estimates that there are 145 miles of publicly maintained roads among the four municipalities, including the unincorporated county, in the valley (this does not include the alleys). The inventory of non-publicly maintained roads is not available at present.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads.

The proposal mandates the paving or periodic stabilization of all unpaved roads in the valley. It also prohibits future construction of unpaved roads unless such roads are a temporary component of an ongoing, funded road-paving project.

Depending upon the road traffic count, the regulations provide a compliance schedule for paving all of the roads, alleys and easements: January 1, 2001, or May 1, 2001, for roads exceeding 150 trips per day, and January 1, 2002, or May 1, 2002, for the balance of the roads. New unpaved roads are prohibited after July 1, 2000.

The District estimates that implementation of this regulation will reduce emissions from unpaved roads and alleys by 99%.

Based on a tentative estimate of \$200,000 for paving per mile of road, the total cost of paving the publicly maintained roads is estimated at \$29 million. Owners of privately maintained unpaved roads may opt to pave the road or prevent use of the road. A cost estimate is not available for paving the non-publicly maintained unpaved roads.

C. Section 92 [Fugitive Dust From Unpaved Parking Lots]

This category has not been inventoried on a valley-wide basis. The satellite project should be able to locate this category. The lots have been accounted for in the five micro-inventory locations. At the five neighborhoods surrounding the stations, they account for 0% to about 3% of total emissions.

Unpaved parking lot owners would have the options of closing and fencing the lots, stabilizing, or paving them. The compliance date for existing unpaved parking lots is January 1, 2001, or May 1, 2001. New unpaved parking lots are prohibited after July 1, 2000. Costs have not been estimated at this time.

PUBLIC COMMENTING

It is the intent of the Board to accept testimony on all aspects of this proposal. Persons supporting the proposed regulation as well as persons opposed to the proposed regulation are invited to present their views.

All persons may submit data, views or comments in writing to the Board of Health or may appear or make an oral presentation at the hearing. The Board will receive and discuss written and oral submissions to the draft amendments and proposed deletions at the Public Hearing on April 27, 2000.

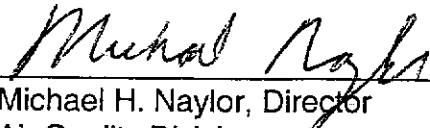
Written testimony should be addressed to, Chairman Sherry Colquitt, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION

The Proposed Sections 90, 91, and 92 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or e-mailed to you.

Dated this 26th day of March, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Michael H. Naylor, Director
Air Quality Division
Clark County Health District



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

MEMORANDUM #08-00

TO: DISTRICT BOARD OF HEALTH

FR: Michael H. Naylor, Director, Air Quality Division *MHN*
Donald S. Kwalick, M.D., Chief Health Officer *DK*

RE: *Public Hearing to Proposed Changes to Section 0 [Definitions] and Proposed New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots], Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easements], and Section 92 [Fugitive Dust From Unpaved Parking Lots]. Staff recommends that the Board today receive testimony from the public and continue the Hearing to May 25, 2000.*

DT: April 27, 2000

I. SUMMARY

Today's Public Hearing addresses proposed amendments to the definitions and considers three new proposed sections for open areas, unpaved roads, and unpaved parking lots. A public hearing is scheduled for May 25 which will address new regulations covering the permitting and controls for construction activity.

Staff has not completed discussing the regulations with stakeholders. Also, the Department of Comprehensive Planning is making several updates to the PM₁₀ emissions inventory and this in turn affects their calculations that will be used to demonstrate that all the proposed amendments to regulations will be sufficient to result in attainment. In view of these developments, staff recommends that the Board today receive testimony from the public and continue the Hearing to May 25, 2000.

II. DISCUSSION

At the request of the Department of Comprehensive Planning, several new sections have been proposed for your consideration:

Section 0 - [Definitions], has been updated to address new terms in the following new sections
 Section 90 - Fugitive Dust From Open Areas And Vacant Lots
 Section 91 - Fugitive Dust From Unpaved Roads And Unpaved Alleys And Unpaved Easements
 Section 92 - Fugitive Dust From Unpaved Parking Lots

The proposed amendments are presented at Attachment I. Based on input from stakeholders and staff, a compilation of recommended revisions is presented at Attachment 2.

A. Non-Attainment Issues

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) that achieves timely attainment.

The ultimate goal of adopting these new sections and other regulatory revisions will be PM₁₀ attainment status for the Valley by 2004.

1. PM₁₀ Levels Exceed the Standards

The District operates 14 PM₁₀ stations in the Valley (see Figure 1). One station — JD Smith — does not meet the annual standard of 50 micrograms of PM₁₀ per cubic meter of air ($\mu\text{g}/\text{M}^3$). Its average PM₁₀ concentration for the last three years is $53\mu\text{g}/\text{M}^3$.

The EPA 24-hour standards for determining PM₁₀ attainment status require that each station must be in compliance on-all-but-one-day-of-each-year. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of $150\mu\text{g}/\text{M}^3$. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control measures. Five stations have third highest concentrations exceeding this level (see Figure 2 and Table 1).

Table 1

24-hour design values for the five stations not in attainment (see Figure 2)
 1997 – 1999 data

Station	
24-hour standard set by EPA	$150\mu\text{g}/\text{M}^3$
Craig Road (near I/15)	$254\mu\text{g}/\text{M}^3$
East Flamingo (near Koval)	$189\mu\text{g}/\text{M}^3$
Green Valley (Arroyo Grande, Sanchez)	$281\mu\text{g}/\text{M}^3$
JD Smith (near Bruce and Owens)	$218\mu\text{g}/\text{M}^3$
Pittman (near Boulder Highway and Water Street)	$239\mu\text{g}/\text{M}^3$

Table 2 tracks changes in the design value for the last three years. The highest design value has dropped from $339\mu\text{g}/\text{M}^3$ to $281\mu\text{g}/\text{M}^3$.

Table 2

Changes in the 24-hour design values for recent overlapping three-year period

Station	1997-1999	1996-1998	1995-1997
Craig Road	254 $\mu\text{g}/\text{M}^3$	251 $\mu\text{g}/\text{M}^3$	318 $\mu\text{g}/\text{M}^3$
East Flamingo	189 $\mu\text{g}/\text{M}^3$	281 $\mu\text{g}/\text{M}^3$	165 $\mu\text{g}/\text{M}^3$
Green Valley	281 $\mu\text{g}/\text{M}^3$	296 $\mu\text{g}/\text{M}^3$	339 $\mu\text{g}/\text{M}^3$
JD Smith	218 $\mu\text{g}/\text{M}^3$	310 $\mu\text{g}/\text{M}^3$	310 $\mu\text{g}/\text{M}^3$
Pittman	239 $\mu\text{g}/\text{M}^3$	258 $\mu\text{g}/\text{M}^3$	258 $\mu\text{g}/\text{M}^3$

Figure 1

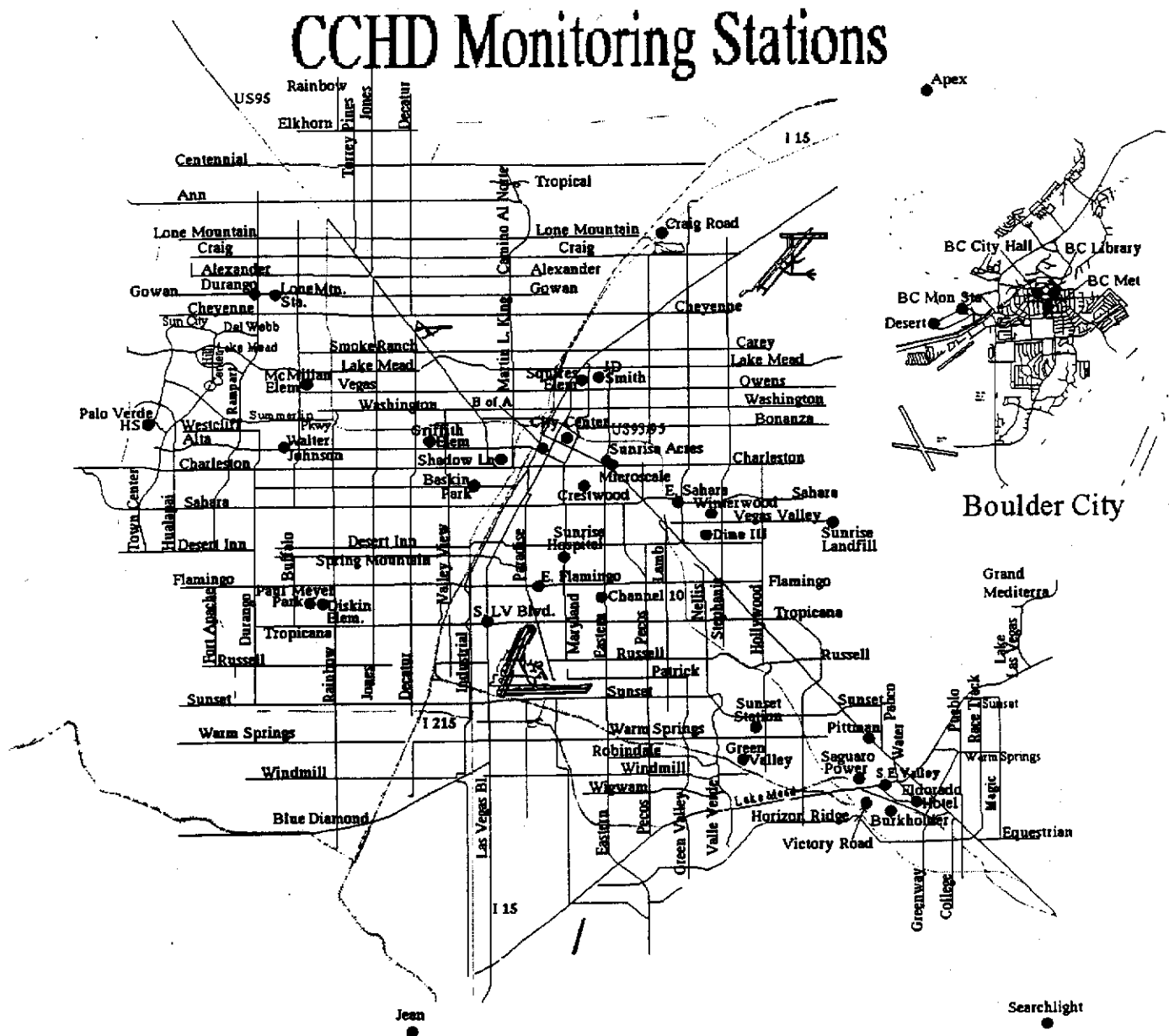
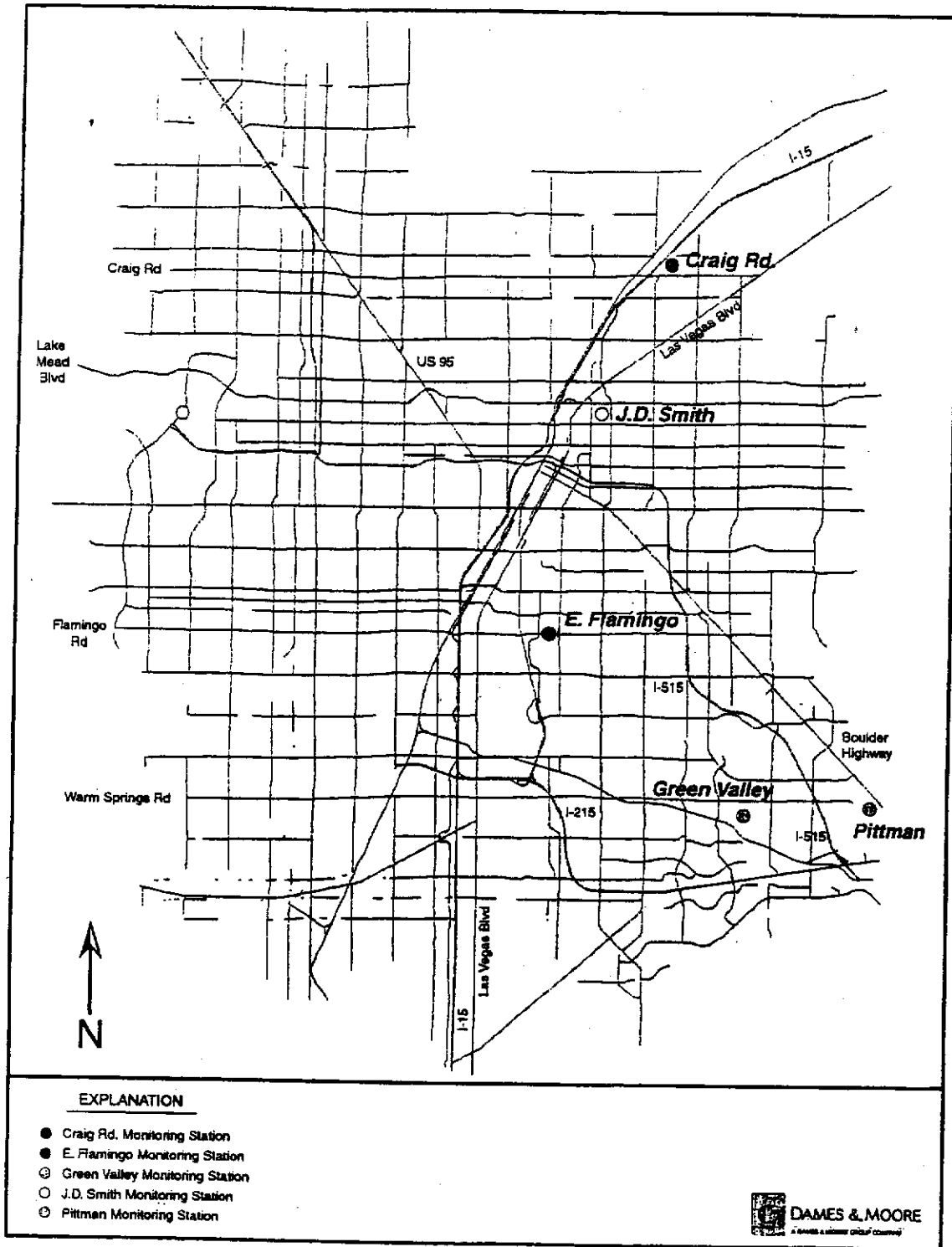


Figure 2
Locations of Five Stations Not in Attainment



We believe improved compliance by permittees, due to stricter enforcement, has contributed to the decrease of $60 \mu\text{g}/\text{M}^3$ (from $339 \mu\text{g}/\text{M}^3$ to $281 \mu\text{g}/\text{M}^3$) in the highest design value. Nevertheless, this value must drop another $131 \mu\text{g}/\text{M}^3$ to demonstrate attainment. Today's proposals and other pending proposals must result in a substantial reduction of current emissions in order to reach acceptable PM_{10} levels.

Most stations operated by the District are in attainment. Some hypothesize that concentrations of inhalable particulate at all stations will exceed the air quality standard because we are 'in the desert.' At the background stations in or near the valley the 'natural levels' on the days when the design value concentrations were measured ranged from 16 to $42 \mu\text{g}/\text{M}^3$, levels well below the standard of $150 \mu\text{g}/\text{M}^3$. It appears that man-made sources of emissions near the monitors contribute the levels above the 'natural' levels.

2. Emissions Inventory

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM_{10} emissions from the sources addressed by this memorandum significantly contribute to concentrations of PM_{10} that exceed the daily and annual PM_{10} air quality standards established by the EPA and the Board of Health. The current annual emissions estimates on an annual basis are shown in Table 3. The data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected in the next few months.

Table 3

Annual PM_{10} Emissions estimates for the Las Vegas Valley for 1999
 Data from Department of Comprehensive Planning
 Data for some categories is being updated

Category	Tons per year	Percent
Open areas, vacant lots, unpaved parking		
Unstable (disturbed)	6,511	
Stable and stabilized (native desert and/or areas treated with dust control)	??????	
Unpaved roads and unpaved alleys (this does not include easements and railroad right of way)	6,212	
Construction activity including wind erosion	33,945	
Paved roads (silt on roads is deposited from unpaved shoulders, vacant lots, unpaved roads, easements and track out and wind blown dust from construction)	????	
Stationary sources with District permits	1,151	
Other area sources such as meat cooking	1,432	
Other on-road mobile	1,265	
Non-road mobile	4,075	
Total	??????	

Another emission inventory approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated on a day with a high wind event with gusts of over 40 miles per hour. On such

days, the amount of dust from disturbed surfaces is a greater percentage of total emissions than their relative contribution on an annual average basis.

Table 4

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour.

All percentages are rounded to nearest whole number.

Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(?)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction activity	16%	33%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas		-		-	-
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

3. Attainment Calculations

By comparing the design value concentrations in Table 1 to the air quality standard, it is apparent that significant reductions in PM₁₀ emissions are needed to reach attainment.

The overall reductions that can be obtained from cumulative reductions from each emission category have not yet been calculated by the Department of Comprehensive Planning. The magnitude of the overall reductions needs to match the reduction target at each of the five stations not in attainment. These calculations should be completed before the Board of Health will have enough information to evaluate the importance and necessity of the current proposals. Staff believes this topic needs further analysis before adoption of the proposals can be considered.

B. Applicable Sources of Fugitive Dust

These regulations apply to all vacant lots and open areas exceeding 5,000 square feet, all unpaved roads and easements, all paved roads, and all unpaved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the Health District discovers that a given source (an unpaved road, vacant lot,

unpaved alley, unpaved easement, or unpaved parking lot) is not in compliance with the stabilization test methods, the owner will be given a corrective action order to comply within 30 days of discovery. Failure to abide by the corrective action order is subject to further enforcement action.

1. Section 90 [*Fugitive Dust From Open Areas and Vacant Lots*]

Emission inventory assessments by the Department of Comprehensive Planning and PM₁₀ estimation studies by UNLV conclude that vacant lands within the Valley are significant contributors to excess levels of PM₁₀.

The Dept of Comprehensive Planning estimates that there are 151,189 acres of vacant land. Of this approximately 84% of the vacant land is believed to be stable (natural desert or stabilized) and 16% is estimated to be unstable. Emissions from unstable land are estimated at about 6,500 tons per year.

This estimate will be updated in the near future when results arrive for the authorized satellite imagery project authorized by the Board of Health.

The critical time period is the emission rate on windy days with gusts exceeding 40 mile per hour. Table 4 above illustrates the role of unstable vacant land (including informal racetracks) at the five stations not in attainment. The County's consultant Dames and Moore identified unofficial racetracks in the vicinity of the Craig Road and Green Valley stations. Unstable land estimates account from 21% of the man-made emissions near the Flamingo Station to about 38% of emissions near the Pittman station neighborhood.

Areas are required to meet the following stabilization standards:

Stabilization Standards and Test Methods:

- I. Compliance with Drop Ball Test, or
- II. Compliance with Threshold Friction Velocity Test, or
- III. Compliance with Rock Test Method (for Non-Erodible Surface Elements)

Areas that fail all three tests must apply one or more of the following control measures:

Control Measures (Disturbed Areas):

- I. Prevent motor vehicle access and stabilize or
- II. Apply dust suppressants to disturbed surfaces, or
- III. Apply and maintain uniform surface gravel cover, or
- IV. Apply and maintain alternative control approved by EPA

The proposed compliance date is January 1, 2001. Staff would begin formal inspections at that time and we anticipate that it would take about a year to complete the initial round of inspections and to issue corrective action orders. The inspection schedule would be based on a priority system. Based on the UNLV survey, we tentatively project that 16% of the vacant land, or about 24,000 acres, will fail the tests for stabilization.

The cost of fencing or preventing access is tentatively estimated at \$2,000 per acre. This estimate was provided by the Southern Nevada Home Builders Association, and appears to involve an annual rent for six-foot chain link fence. We do not have an estimate of how much land has vehicle access and must be fenced or secured.

The cost per application of dust stabilizers such as polymers, mulch, and petroleum and other products is approximately \$500 to \$1,500 per acre. Applications would be necessary from as often as twice a year to once per several years. Based on an estimate of 24,000 acres of unstable land, the estimated initial valley-wide cost of applying dust suppressants is \$12 to \$36 million. Alternatively, periodic applications of water, along with limiting vehicle access, may suffice in some cases. This is discussed in more detail at Section I (Potential Intergovernmental Cooperative Projects).

Based on field observations of staff, unstable soils in open areas in the northern and northeastern portions of the valley seem most susceptible to re entrainment during high winds.

The stakeholders have identified an issue that has not been resolved. Dust suppressants may affect the porosity of the soil and this could exacerbate water runoff during rainstorms. Staff is seeking information on how the suppressants affect percolation of water into the topsoil.

2. Section 91 [*Fugitive Dust From Unpaved Roads, Unpaved alleys and Unpaved Easements*]

This category includes publicly maintained and privately owned unpaved roads and unpaved alleys, and unpaved easements.

According to the annual emission estimates, unpaved roads account for about 5% of total valley emissions. On the days with high winds, the unpaved roads (publicly and non-publicly maintained) account for from 0% (three stations) to about 2% (Pittman) of the emission in the proximity of the five stations not in attainment of the 24-hour standard. The Department of Comprehensive Planning estimates that there are 145 miles of publicly maintained roads among the four municipalities, including the unincorporated county, in the valley (this does not include the alleys). The inventory of non-publicly maintained roads is tentatively estimated at about 50 miles.

The proposal mandates the paving or periodic stabilization of all unpaved roads in the valley. It also prohibits future construction of unpaved roads after May 25, 2000, unless such roads are an interim component of an ongoing, funded road-paving project.

The proposed compliance dates for unpaved roads are January 1, 2001, for roads with traffic exceeding 150 trips per day and January 1, 2002, for all other roads. This schedule has been discussed with public works agencies and they advise the Department of Comprehensive Planning that this schedule is not feasible. As a result, a different schedule may be presented for public hearing purposes.

The District estimates that implementation of this regulation will reduce emissions from unpaved roads and alleys by over 95%.

Based on a tentative estimate of \$200,000 for paving per mile of road, the total cost of paving the publicly maintained roads is estimated at \$29 million. Owners of privately maintained unpaved roads may opt to pave the road or prevent use of the road, or to use dust suppressants. The public entities do not support use of suppressants on publicly maintained roads. A cost estimate is not available for paving the non-publicly maintained unpaved roads.

3. Section 92 [*Fugitive Dust From Unpaved Parking Lots*]

This category has not been inventoried on a valley-wide basis. The satellite project should be able to locate this category. However, the lots have been counted in the five micro-inventory locations. At the five neighborhoods surrounding the stations, they account for 0% at the Flamingo Station and Green Valley stations to about 3% of total emissions at the Pittman station.

Unpaved parking lot owners would have the options of closing and fencing the lots, stabilizing, or paving them. New unpaved parking lots would be prohibited after May 25, 2000. Costs have not been estimated at this time. The proposed compliance date for existing unpaved parking lots is January 1, 2001.

C. Stakeholder Consultation

The Air Quality Division and the Department of Comprehensive Planning have jointly held several workshops. An industry consortium, coordinated by the Southern Nevada Homebuilders (including National Association of Industrial and Office Properties, Howard Hughes Development Corp, Dell Webb, Associated General Contractors, Associated Builders and Contractors, Nevada Contractors Association and others), has presented suggested regulatory language, most of which has been assimilated into the proposals. The industry group has called for lower thresholds (in fact zero thresholds for acreage and traffic counts) for applicability of vacant lots, unpaved parking lots, and unpaved roads, as compared to the initial drafts prepared by staff. The regulations have been reviewed and endorsed (for further processing) by the County's Environmental Advisory Committee, which was founded by Commissioner Erin Kenny.

We have attended several briefings with representatives of local public works departments and the State Department of Transportation. Workshop attendees have included BLM, the Southern Nevada Water Authority, and Nevada Power all of whom own significant parcels and/or easements. The proposals have been sent to the UP Railroad. We have contacted the natural gas line and underground cable line owners.

The general public is a significant stakeholder. A ¼-page advertisement illustrating a recreational vehicle creating dust and alerting the public to today's proposals was published in the Sunday RJ/SUN on April 9 and April 12.

D. Public Education Campaign

If the proposed regulations are adopted by the Board, staff recommends conducting a substantial public education campaign during the summer months of this year, so that all property owners of vacant land and unpaved roads are fully aware of the implications of the new regulations. We believe this effort can be coordinated with the County Commission's Environmental Advisory Committee.

E. Hiring Additional Staff and Developing Revenue Source

The Air Quality Division believes that a new enforcement section of five to ten persons may need to be recruited to implement this proposed program. This includes one supervisor, one administrative secretary, clerical staff, and enforcement officers. The revenue source has not been identified. The

County requests that the Board make a commitment to funding by June 2000. The funding commitment is needed for inclusion in the State Implementation Plan.

F. Phase Out of Emission Reduction Credit Program for Paving Unpaved Roads

Section 12 of the regulations provides a formula for awarding emission reduction credits for the paving of publicly maintained unpaved roads which are not scheduled for development or paving by others. Over 65 miles of road have been paved as a result of this program. The basis for awarding credits is that the roads were voluntarily paved. Today's proposals mandate paving of unpaved roads. Since future paving would no longer be voluntary, the road paving credit provisions of section 12 should be phased out.

G. Awarding Emission Reduction Credits for Mobile Source Emission Reductions

Staff is developing concepts for a mobile source emission reduction credit process. In concept, fleet owners of on-road trucks and busses and off-road mobile equipment such as trenchers, scraper and backhoes could earn credits if they use cleaner fuels or install tailpipe emission controls on their vehicles and equipment. The concept has some advantages over the road-paving credit program in that all the products of fuel combustion (PM₁₀, sulfur dioxide, volatile organic compounds, carbon monoxide, and oxides of nitrogen, as well as smoke) could be reduced by use of cleaner fuels or tailpipe controls. If the Board adopts today's proposals, staff intends to return in a few months with draft regulations that phase out the road-paving credit provisions and to add a credit provision for mobile source emission reduction projects. Presently, Nevada Ready Mix, Las Vegas Paving, Hanson Materials, and Silver State Materials are operating some equipment on oxygenated diesel fuel and/or catalytic converters as part of a pilot project to demonstrate the concept. The oxygenated diesel fuel and catalytic converters reduce emissions of PM₁₀ and smoke, as well as carbon monoxide and oxides of nitrogen.

H. Enforcement Policy

With the advent of the new Disturbed Vacant Land regulations, AQD will be dealing primarily with the general public, not commercial enterprises. As a result, many of the affected persons are not educated with respect to the air pollution control regulations. In contrast, construction personnel have numerous years of experience with our dust control rules.

Consequently, enforcement of the new Disturbed Vacant Land regulations will emphasize education and voluntary compliance, rather than the traditional initial focus on NOVs and penalties. The Internal Collaboration Group of AQD will be involved in the development of this protocol.

I. Potential Intergovernmental Cooperative Projects

Proposed solutions to dust abatement and control on disturbed vacant land primarily include requiring landowners to secure the property to prevent disturbance and stabilize the soil to prevent dust. Fencing and physical barrier construction would be the principal method of securing the property and reestablishing and maintaining a crust or controlled surface would be required to prevent dust. In many areas the patterns of land ownership could result in a checkerboard of fences and barricades. Fence maintenance requirements and costs would be high. In other areas, the effectiveness of fences would be limited due to likely vandalism and trespass, particularly on the largest parcels of land and those parcels further from developed areas.

A possible solution to this problem would be the creation of *Dust Control Districts*, modeled after the existing Conservation District of Southern Nevada (CDSN). Dust Control Districts could be landscape-based cooperatives that would combine resources and organize landowners to obtain and utilize equipment such as water trucks to mimic the natural crust-forming effect of rainfall in disturbed areas. In some areas, cooperatively designed and constructed fences and barriers may be more effective than a patchwork of individual attempts. The cooperation of landowners would lead to significant cost savings as compared to individual attempts to maintain dust control on numerous parcels of land.

CDSN proposes a phased approach to dealing with the disturbed vacant land regulations and applications.

1. Development and distribution of brochures and information that will introduce a summary of a Best Management Practices Manual to owners of disturbed vacant land and provide information for professional assistance. Informational brochures could be produced in several formats: (a) a mailing to landowners (perhaps inserted in tax statements); (b) insert cards for existing conservation and resource brochures including the Air Quality brochure currently distributed; (c) pamphlets for distribution at garden shops and feed stores (e.g., to target those horse-related and landscaping sources of dust); and (d) website pages.
2. Development of educational programs. The Natural Resource Conservation Service (NRCS) has assisted in developing a number of school programs in Clark County that address various resource and conservation issues and also plans to investigate potential opportunities to combine dust control with those programs. NRCS has also been in contact with the Colorado Department of Health about cooperative programs implemented in urban areas to combat air pollution.
3. The Particulate Matter Emissions Control Research Advisory Committee (PM Committee) is seeking a proposal for the printing and distributing of Disturbed Vacant Land flyers and brochures .

J. Feedback from the Environmental Protection Agency

EPA has informally endorsed the regulatory content of the proposals as the language is very similar to the regulations EPA has approved for Maricopa County, AZ. EPA staff has informally said that the compliance date for vacant land, unpaved roads exceeding 150 adt, and unpaved parking should be within 6 to 8 months of the regulations' adoption (about January 1, 2001). They informally advise us that a multi-year schedule for lower traffic unpaved roads could be considered.

K. Overall Status of Proposal Considerations

There are remaining emission inventory and attainment calculation tasks to be completed by the Department of Comprehensive Planning in the next month to two months. Formal feedback from EPA, the public and private stakeholders is forthcoming. The County Commission and the City Councils for North Las Vegas, Henderson, and Las Vegas should assess the direct impacts of these proposals and advise their representatives to the Board of Health. By next month, some of the issues may be resolved. It is likely that some of the proposals may be substantially revised and another public comment period initiated.

III. Public Notice

A notice of public hearing for April 27 was published in the Review Journal/Sun on Sunday, March 26, 2000, Sunday, April 2, 2000, and Sunday, April 9, 2000. Notices were mailed to more than 300 persons or organizations.

Attachments

- I. Proposed Regulation Amendments Sections 0, 90, 91, and 92
- II. Compilation of Recommended Changes

DJK

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
May 25, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV
NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

PRESENTATION: Peter Karnoski-Air Pollution Control Hearing Board Member

I. CONSENT AGENDA: Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

- 1. Approve Minutes/Board of Health Meeting - 04/27/00**
- 2. Approve Payroll/Overtime for Periods of: 03/18/00 - 03/31/00 and 04/01/00 - 04/14/00**
- 3. Approve Accounts Payable Register - #781: 03/20/00 - 04/06/00 and **#782:** 04/07/00 - 04/20/00**
- 4. Petition #33-00 - Appointment of a Board Subcommittee to Review and Evaluate Legislative Lobbyist Proposals for Subsequent Recommendation to the Full Board at its June 22, 2000 Meeting: Members Colquitt, Crowley and Christensen**
- 5. Petition #34-00 - Authorization to Contract With Zia Engineering and Environmental Consultants, Inc. for Development of Solid Waste Management Plan Revisions as Required by Law for an Amount Not to Exceed \$72,000**
- 6. Petition #35-00 - Interlocal Agreement with Clark County Social Service to Receive up to \$165,000 for Providing Home Health Services to Clark County Social Service Clients **(Annual Renewal)****
- 7. Petition #36-00 - Amendment to the Interlocal Agreement with Clark County Social Service to Receive up to \$7,500 for Providing HIV/AIDS Evaluation Services to Clark County Social Service Clients **(Annual Renewal)****
- 8. Petition #37-00 - Interlocal Agreement with Clark County Social Service: Pay up to \$268,732 in Ryan White Title II Funds for Social Worker/Case Manager Services to Health District HIV Positive Patients **(Annual Renewal)****
- 9. Petition #38-00 - Amendment to the Interlocal Agreement with Clark County Social Service to Receive up to \$6,000 for Providing Tuberculosis Test Services to Clark County Social Service's Employees **(Annual Renewal)****
- 10. Petition #40-00 - Appointment of Three Applicants to the Home Health Service Advisory Board**
- 11. Petition #41-00 - Approve Updated and Revised Resolution Adopting Home Health Agency By-Laws**
- 12. Petition #43-00 - Develop an Alternate Test Method for Wind Erodible Assessment of Vacant Disturbed Land**

13. **Petition #45-00** - Authorization to Contract With Sprint Enterprise Network Services to Review, Analyze and Develop a Plan Addressing District-Wide Database Software Conversion Needs and Options for an Amount Not to Exceed \$50,000
14. **Petition #46-00** - Change in Health District Legal Counsel Arrangements; Appointment of Stephen R. Minagil, Esquire as Primary District Legal Counsel
15. **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 Install an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by a Private Onsite Water Well - **Petitioner:** Bernard Jones
 - b. **Variance Request** - To Install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System **Petitioner:** Amber Wise
 - c. **Variance Request** - To Construct an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by an Onsite Water Well - **Petitioners:** Kenneth M. and Sandra M. Zymanek

II. PUBLIC HEARING/ACTION

1. **Memorandum #08-00** - Public Hearing on Proposed Changes to Section 0 [Definitions]; and Proposed New Regulations Section 90 [Fugitive Dust from Open Areas and Vacant Lots]; Section 91 [Fugitive Dust From Unpaved Roads and Unpaved Alleys]; and Section 92 [Fugitive Dust From Unpaved Parking Lots]. **(Continued From 4/27/00 Meeting)**
2. **Memorandum #09-00** - Public Hearing on Proposed Changes to Section 9 [Civil Penalties], and Proposed New Regulations Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment] and Section 94 [Permitting and Dust Control for Construction Activity]. Staff Recommends Adoption of Section 93 With Recommended Revisions. Further, Staff Recommends the Hearing on Section 9 and 94 be Opened and Testimony Received Today, But That The Hearing Be Continued to the Board's June 22, 2000 Meeting
3. **Memorandum #10-00** - Public Hearing for Possible Adoption of the State Environmental Commission's Regulations Governing Transfer Stations and Public Storage Bin Facilities to Clark County Health District (CCHD) Existing Solid Waste Regulations
4. **Memorandum #11-00** - Public Hearing for Possible Adoption of the State Environmental Commission's Regulations Governing Materials Recovery Facilities (MRF) to Existing Clark County Health District (CCHD) Solid Waste Regulations

III. REPORT/DISCUSSION/ACTION

IV. 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.

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of March
2. Listing of Food Establishments in Plan Review for the Period of 04/01/00 to 04/30/00
Environmental Health Division
3. Emergency Medical Services Annotated Agenda
4. Air Quality:
Hearing Officer Annotated Agenda
Monthly Report, April 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, and Regulation Development)
PM Emissions Control Research Advisory Committee Agenda and Minutes
5. Environmental Health: Activity Highlights
Letter from NSF International dated 4/20/00 Inviting Clare Schmutz to Participate on the Task Group for Facilities Design to Develop a New ANSI/NSF Standard for Food Service Facility Design
6. Epidemiology Activity Highlights
7. Administration Activity Highlights
8. Nursing and Clinics: Activity Highlights - Tuberculosis
Home Health Advisory Board Minutes
Letters from Nevada State Health Division, Bureau of Licensure and Certification dated 4/26/00 Stating There Were No Regulatory Deficiencies Found During the Annual State Licensure Survey and the Medicare Recertification Survey of the Health District's Home Health Services Department
9. Testimony Regarding Tobacco Control Presented to the Task Force for the Fund for a Healthy Nevada on May 1, 2000 by Donald S. Kwalick, M.D., M.P.H.
10. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV; 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1208798/1213204

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3
edition(s) of said newspaper issued from 04/23/00 to 05/07/2000, on
the following days: APRIL 23, 30, MAY 7, 2000

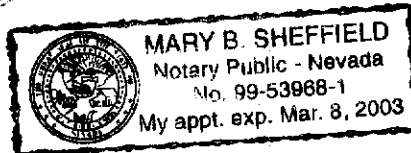
Signed:

Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of May 2000

Mary B. Sheffield
Notary Public



PLEASE SEE ATTACHED

PROPOSED AIR POLLUTION CONTROL REGULATION

NOTICE is hereby given that the Clark County District Board of Health is considering adoption of proposed Air Pollution Control Regulations entitled *Section 94, Dust Control Permits for Construction Activities, Section 95, Fugitive Dust Prevention, Control, and Mitigation for Construction Activities, and Section 96, Fugitive Dust Control Standards*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 A.M. on Thursday, May 25, 2000 at:

**Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106**

At the request of the Department of Comprehensive Planning, Section 9 of the regulations is proposed for amendment and three new sections are proposed for consideration. The regulations being considered are:

- Section 9 - Civil Penalties
- Section 94 - Dust Control Permits for Construction Activities
- Section 95 - Fugitive Dust Prevention, Control, and Mitigation for Construction Activities
- Section 96 - Fugitive Dust Control Standards

Another section, Section 93, entitled *Fugitive Dust From Paved Roads And Street Sweeping Equipment*, was also scheduled for public hearing on May 25, 2000. However, the Department of Comprehensive Planning advises the District that they are preparing and recommending substantial revisions. We intend to publicly notice the proposed Section 93 when the revisions have been incorporated.

The proposals (Sections 9, 94, 95, and 96) are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or emailed to you.

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) which provides timely attainment.

The ultimate goal of adopting these new sections with other regulatory revisions is to achieve PM₁₀ attainment status for the Valley by 2004.

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 g/3 or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 g/M3.

For determining PM₁₀ attainment status of the 24-hour standards, EPA requires that each station must be in compliance on all but one day of each year. EPA guidelines indicate that the third highest measurement over a three-year period is to be used to compare to the standard of 150 g/M. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level.

Table 1

Design values for the five stations not in attainment 3rd highest 24-hour concentration during 1997-1999

Station	
24 hour standard set by EPA	150 g/M ³
Craig Road (near I/15)	254 g/M ³
East Flamingo (near Koval)	189 g/M ³
Green Valley (Arroyo Grande, Sanchez)	281 g/M ³
JD Smith (near Bruce and Owens)	218 g/M ³
Pittman (near Boulder Highway and Water street)	239 g/M ³

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from construction activity is a significant contributor to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The micro-emission inventory approach compiles the emissions in the 16 square kilometers (or about 6 square miles) that is centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated for a high wind event (gusts of 40 miles per hour or greater).

Table 2

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour. All percentages are rounded to nearest whole number. Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	JD Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(?)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction activity	16%	33%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas					
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

A. Section 9 [Civil Penalties]

The applicability of permitted sources is amended with regard to current minimum of \$1800.

B. Section 94 [Dust Control Permit for Construction Activities]

Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. In the proximity areas of the five stations not in attainment, construction activity on days with high winds is estimated to contribute from 4% (Pittman) to 62% (Green Valley) of total daily emissions. For the high wind days, most (over 80%) of the construction activity emissions are attributed to wind erosion, relative to routine and track-out emissions.

The proposed rule expands the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on each construction site.

Green Valley (Arroyo Grande, Sanchez)	281 g/M ³
JD Smith (near Bruce and Owens)	218 g/M ³
Pittman (near Boulder Highway and Water street)	239 g/M ³

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from construction activity is a significant contributor to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The micro-emission inventory approach compiles the emissions in the 16 square kilometers (or about 6 square miles) that is centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated for a high wind event (gusts of 40 miles per hour or greater).

Table 2

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour. All percentages are rounded to nearest whole number. Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(?)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction activity	16%	33%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas					
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

A. Section 9 (Civil Penalties)

The applicability of permitted sources is amended with regard to current minimum of \$1800.

B. Section 94 (Dust Control Permit for Construction Activities)

Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. In the proximity areas of the five stations not in attainment, construction activity on days with high winds is estimated to contribute from 4% (Pittman) to 62% (Green Valley) of total daily emissions. For the high wind days, most (over 80%) of the construction activity emissions are attributed to wind erosion, relative to routine and track-out emissions.

The proposed rule expands the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and references control measures specified in the Best Management Practices Manual. A key component calls for the permittee to hire a person to monitor and control potential dust generating activities on construction sites exceeding approximately 100 acres.

In 1999, the District issued approximately 1600 dust control permits for construction activity that covered 20,100 acres (or an area of about 31 square miles).

We estimate that the combined effect of the three sections will reduce emissions from 1995 emission levels, on a per acre basis, by approximately 30% to 50%.

The effective date for compliance is September 1, 2000.

A Best Practices Management Manual is a key educational and enforcement tool to minimize the construction emissions. This manual is now available. The manual has been prepared by Dames and Moore, who was hired by the Board of Health.

We do not have an estimate for the additional cost of complying with the new initiatives. Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation, which could increase cost of job site supervision.

C. Section 95 (Fugitive Dust Prevention, Control, and Mitigation for Construction Activities)

This section incorporates many of the dust permit conditions now required but not specifically mentioned in the current regulations. It also expands provisions to address dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, earthmoving operations, trenching, explosive blasting, record keeping, and other procedures.

D. Section 96 (Fugitive Dust Control Standards)

This regulation is used for enforcement purposes when reasonable precautions are not being followed and dust plumes exceed 100 yards or visible dust is observed crossing the property line. It replaces and updates Section 41.

PUBLIC COMMENTING

It is the intent of the Board to accept testimony on all aspects of this proposal. Persons supporting the proposed regulation as well as persons opposed to the proposed regulation are invited to present their views.

All persons may submit data, views or comments in writing to the Board of Health or may appear or make an oral presentation at the hearing. The Board will receive and discuss written and oral submissions to the draft amendments and proposed deletions at the Public Hearing on May 25, 2000.

Written testimony should be addressed to, Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION

The Proposed Sections 94, 95, and 96 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or emailed to you.

Dated this 23rd day of April, 2000
 Donald S. Kwallack, M.D., M.P.H., Chief Health Officer
 PUB: April 23, 30, May 7, 2000 Las Vegas Review-Journal

Michael H. Naylor, Director
 Air Quality Division
 Clark County Health District

Ship to:	PURCHASE REQUISITION	P.O. No. 26533 468/c
		Reference 46721

Clark County Health District 625 Shadow Lane Las Vegas, Nevada 89106 Bill to: P.O. Box 3902 Las Vegas, Nevada 89127 (702) 385-1291 FAX (702) 384-5342	Vendor: Las Vegas Review Journal Address: 1111 W Bonanza Las Vegas, NV 89106 Tel. No. 383-0320
--	--

Quantity	Units	Description (Specification-Size-Catalogue Number-Packaging, Etc.)	Price/Unit	Total Price
		Please publish "Proposed Air Pollution Control Regulation" three times on: Sunday, April 23, 2000 Sunday, April 30, 2000 Sunday, May 7, 2000 Please furnish two copies of affidavit of publication. <i>Increase OK price estimated J</i> 383-0326		2800 ^w 2508.80

Price by:	Est. Firm	Special Instructions: <i>Confirming PO Pated to Maggie</i>	Subtotal
Ship via:			Shipping:
Date required:			Total: 2508.80

DISTRICT USE ONLY		ACCOUNTING USE ONLY	
Purpose of expenditure: Legal Notice		<i>5/7/w #J-1213204</i>	
Charge to: (Specify Dept. and/or Project) AQD 705-301-150 700.061		<i>705-301-150-700 061</i>	
Requestor:	Date <u> / / </u>	Verified by:	<i>J 5-18-00</i>
Division:	Date <u>4/17/2000</u>	Reviewed by:	<i>J</i>
Administration:	Date <u>4/19/00</u>	Approved for payment:	<i>[Signature]</i>

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1208798/1213204

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 04/23/00 to 05/07/2000, on the following days: APRIL 23, 30, MAY 7, 2000

Signed:

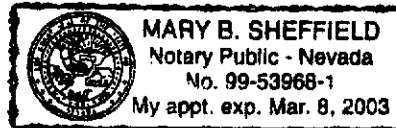
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of May 2000

Mary B. Sheffield

Notary Public



PLEASE SEE ATTACHED

PROPOSED AIR POLLUTION CONTROL REGULATION

NOTICE is hereby given that the Clark County District Board of Health is considering adoption of proposed Air Pollution Control Regulations entitled Section 94, Dust Control Permits for Construction Activities, Section 95, Fugitive Dust Prevention, Control, and Mitigation for Construction Activities, and Section 96, Fugitive Dust Control Standards. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 A.M. on Thursday, May 25, 2000 at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

At the request of the Department of Comprehensive Planning, Section 9 of the regulations is proposed for amendment and three new sections are proposed for consideration. The regulations being considered are:

- Section 9 - Civil Penalties
- Section 94 - Dust Control Permits for Construction Activities
- Section 95 - Fugitive Dust Prevention, Control, and Mitigation for Construction Activities
- Section 96 - Fugitive Dust Control Standards

Another section, Section 93, entitled Fugitive Dust From Paved Roads And Street Sweeping Equipment, was also scheduled for public hearing on May 25, 2000. However, the Department of Comprehensive Planning advises the District that they are preparing and recommending substantial revisions. We intend to publicly notice the proposed Section 93 when the revisions have been incorporated.

The proposals (Sections 9, 94, 95, and 96) are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or emailed to you.

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) which provides timely attainment.

The ultimate goal of adopting these new sections with other regulatory revisions is to achieve PM₁₀ attainment status for the Valley by 2004.

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 g/3 or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 g/3.

For determining PM₁₀ attainment status of the 24-hour standards, EPA requires that each station must be in compliance on all but one day of each year. EPA guidelines indicate that the third highest measurement over a three-year period is to be used to compare to the standard of 150 g/3. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level.

Table 1

Design values for the five stations not in attainment 3rd highest 24-hour concentration during 1997-1999

Station	Design Value (g/3)
24 hour standard set by EPA	150 g/3
Craig Road (near I/15)	254 g/3
East Flamingo (near Koval)	189 g/3
Green Valley (Arroyo Grande, Sanchez)	281 g/3
JD Smith (near Bruce and Owens)	218 g/3
Pittman (near Boulder Highway and Water street)	239 g/3

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from construction activity is a significant contributor to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The micro-emission inventory approach compiles the emissions in the 16 square kilometers (or about 6 square miles) that is centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated for a high wind event (gusts of 40 miles per hour or greater).

Table 2

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour. All percentages are rounded to nearest whole number. Estimates have significant uncertainty and are subject to update.

Category	Daily	Flamingo	Green Valley	JD Smith	Pittman
Open areas/water land					
Unstable (including unofficial racetracks)	32%	22%	25%	24%	38%
Native desert (stable)	26%	1%	3%	7%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(7)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	0%
Construction activity	16%	27%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas					
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

A. Section 9 (Civil Penalties)

The applicability of permitted sources is amended with regard to current minimum of \$1800.

B. Section 94 (Dust Control Permit for Construction Activities)

Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. In the proximity areas of the five stations not in attainment, construction activity on days with high winds is estimated to contribute from 4% (Pittman) to 62% (Green Valley) of total daily emissions. For the high wind days, most (over 80%) of the construction activity emissions are attributed to wind erosion, relative to routine and track-out emissions.

The proposed rule expands the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and references control measures specified in the Best Management Practices Manual. A key component calls for the permittee to hire a person to monitor and control potential dust generating activities on construction sites exceeding approximately 100 acres.

In 1999, the District issued approximately 1600 dust control permits for construction activity that covered 20,100 acres (or an area of about 31 square miles).

We estimate that the combined effect of the three sections will reduce emissions from 1999 emission levels, on a per-acre basis, by approximately 30% to 50%.

The effective date for compliance is September 1, 2000.

A Best Practices Management Manual is a key educational and enforcement tool to minimize the construction emissions. This manual is now available. The manual has been prepared by Dames and Moore, who was hired by the Board of Health.

We do not have an estimate for the additional cost of complying with the new initiatives. Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation, which could increase cost of job site supervision.

C. Section 95 (Fugitive Dust Prevention, Control, and Mitigation for Construction Activities)

This section incorporates many of the dust permit conditions now required but not specifically mentioned in the current regulations. It also expands provisions to address dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, earthmoving operations, branching, explosive blasting, record keeping, and other procedures.

D. Section 96 (Fugitive Dust Control Standards)

This regulation is used for enforcement purposes when reasonable precautions are not being followed and dust plumes exceed 100 yards or visible dust is observed crossing the property line. It replaces and updates Section 41.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

PROPOSED AIR POLLUTION CONTROL REGULATION

NOTICE is hereby given that the Clark County District Board of Health is considering adoption of proposed Air Pollution Control Regulations entitled *Section 94, Dust Control Permits for Construction Activities, Section 95, Fugitive Dust Prevention, Control, and Mitigation for Construction Activities, and Section 96, Fugitive Dust Control Standards*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 A.M. on Thursday, May 25, 2000 at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

At the request of the Department of Comprehensive Planning, Section 9 of the regulations is proposed for amendment and three new sections are proposed for consideration. The regulations being considered are:

- Section 9 – Civil Penalties
- Section 94 - Dust Control Permits for Construction Activities
- Section 95 - Fugitive Dust Prevention, Control, and Mitigation for Construction Activities
- Section 96 - Fugitive Dust Control Standards

Another section, Section 93, entitled "Fugitive Dust From Paved Roads And Street Sweeping Equipment," was also scheduled for public hearing on May 25, 2000. However, the Department of Comprehensive Planning advises the District that they are preparing and recommending substantial revisions. We intend to publicly notice the proposed Section 93 when the revisions have been incorporated.

The proposals (Sections 9, 94, 95, and 96) are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or e-mailed to you.

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) which provides timely attainment.

The ultimate goal of adopting these new sections with other regulatory revisions is to achieve PM₁₀ attainment status for the Valley by 2004.

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 $\mu\text{g}/3$ or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 $\mu\text{g}/\text{M}^3$.

For determining PM₁₀ attainment status of the 24-hour standards, EPA requires that each station must be in compliance on all but one day of each year. EPA guidelines indicate that the third highest measurement over a three-year period is to be used to compare to the standard of 150 $\mu\text{g}/\text{M}^3$. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control methods. Five stations have third highest concentrations exceeding this level.

Table 1
Design values for the five stations not in attainment
3rd highest 24-hour concentration during 1997-1999

Station	
24 hour standard set by EPA	150 $\mu\text{g}/\text{M}^3$
Craig Road (near I/15)	254 $\mu\text{g}/\text{M}^3$
East Flamingo (near Koval)	189 $\mu\text{g}/\text{M}^3$
Green Valley (Arroyo Grande, Sanchez)	281 $\mu\text{g}/\text{M}^3$
JD Smith (near Bruce and Owens)	218 $\mu\text{g}/\text{M}^3$
Pittman (near Boulder Highway and Water street)	239 $\mu\text{g}/\text{M}^3$

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from construction activity is a significant contributor to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The "micro-emission inventory" approach compiles the emissions in the 16 square kilometers (or about 6 square miles) that is centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated for a high wind event (gusts of 40 miles per hour or greater).

Table 2

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour.

All percentages are rounded to nearest whole number.

Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(?)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction activity	16%	33%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas		-		-	-
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

A. Section 9 [Civil Penalties]

The applicability of permitted sources is amended with regard to current minimum of \$1800.

B. Section 94 [Dust Control Permit for Construction Activities]

Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. In the proximity areas of the five stations not in attainment, construction activity on days with high winds is estimated to contribute from 4% (Pittman) to 62% (Green Valley) of total daily emissions. For the high wind days, most (over 80%) of the construction activity emissions are attributed to wind erosion, relative to routine and track-out emissions.

The proposed rule expands the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and references control measures specified in the Best Management Practices Manual. A key component calls for the permittee to hire a person to monitor and control potential dust generating activities on construction sites exceeding approximately 100 acres.

In 1999, the District issued approximately 1600 dust control permits for construction activity that covered 20,100 acres (or an area of about 31 square miles).

We estimate that the combined effect of the three sections will reduce emissions from 1995 emission levels, on a per acre basis, by approximately 30% to 50%.

The effective date for compliance is September 1, 2000.

A Best Practices Management Manual is a key educational and enforcement tool to minimize the construction emissions. This manual is now available. The manual has been prepared by Dames and Moore, who was hired by the Board of Health.

We do not have an estimate for the additional cost of complying with the new initiatives. Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation, which could increase cost of job site supervision.

C. Section 95 [*Fugitive Dust Prevention, Control, and Mitigation for Construction Activities*]

This section incorporates many of the dust permit conditions now required but not specifically mentioned in the current regulations. It also expands provisions to address dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, earthmoving operations, trenching, explosive blasting, record keeping, and other procedures.

D. Section 96 [*Fugitive Dust Control Standards*]

This regulation is used for enforcement purposes when reasonable precautions are not being followed and dust plumes exceed 100 yards or visible dust is observed crossing the property line. It replaces and updates Section 41.

PUBLIC COMMENTING

It is the intent of the Board to accept testimony on all aspects of this proposal. Persons supporting the proposed regulation as well as persons opposed to the proposed regulation are invited to present their views.

All persons may submit data, views or comments in writing to the Board of Health or may appear or make an oral presentation at the hearing. The Board will receive and discuss written and oral submissions to the draft amendments and proposed deletions at the Public Hearing on May 25, 2000.

Written testimony should be addressed to, Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION

The Proposed Sections 94, 95, and 96 Regulations are available by calling the Health District. Please contact Judy Hartwell at 383-1276 and this material will be mailed or e-mailed to you.

Dated this 23rd day of April, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Michael H. Naylor, Director
Air Quality Division
Clark County Health District

MEMORANDUM #09-00

TO: DISTRICT BOARD OF HEALTH

FR: Michael H. Naylor, *Director, Air Quality Division*
David Rowles, *Administrative Services Director*
Donald S. Kwalick, M.D., *Chief Health Officer*

RE: *Public Hearing on Proposed Changes to Section 9 [Civil Penalties], and Proposed New Regulations Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment] and Section 94 [Permitting and Dust Control for Construction Activity]. Staff recommends adoption of Section 93 with recommended revisions. Further, Staff recommends the Hearing on Sections 9 and 94 be opened and testimony received today, but that the Hearing be continued to the Board's June 22 meeting.*

DT: May 25, 2000

I. SUMMARY

Today's Public Hearing covers proposed amendments to the penalty sections and two new proposed sections (93 and 94) which address paved roads and construction activity. Initial proposed amendments dated April 24 comprise Attachment I. As a result of several stakeholder meetings, recommended revisions to Section 93 have been compiled and are located at Attachment II (yellow paper) for action today. Staff recommends adoption of Section 93, as revised, today. Because stakeholder discussions are still ongoing with respect to Sections 9 and 94, staff recommends the Hearing on those sections be opened and testimony received today, and the Hearing be continued to the Board's June 22 meeting.

Proposed amendments or new language are intended to reduce emissions from some of the most important sources of PM₁₀ emissions in the valley. Adoption and implementation of proposed amendments or new sections will significantly contribute to reaching attainment of EPA's annual and 24-hour PM₁₀ standards.

II. DISCUSSION

At its March meeting, the Board authorized today's public hearing to consider the following proposals:

- Section 9 - Civil Penalties
- Section 93 - Fugitive Dust from Paved Roads and Street Sweeping Equipment
- Section 94 - Dust Control Permits for Construction Activities
- Section 95 - Fugitive Dust Prevention, Control, and Mitigation for Construction Activities
- Section 96 - Fugitive Dust Control Standards

Based on input from the construction industry, staff has merged the contents of Sections 94, 95, and 96 into one proposed regulation, Section 94, entitled *Permitting and Dust Control for Construction Activity*.

1. Nonattainment Status

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 µg/3 or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 µg/M³.

Five stations have third highest concentrations exceeding this level (see Figure 2 and Table 1).

Table 1
24-hour design values for the five stations not in attainment (see Figure 2)
1997 - 1999 data

Station	
24-hour standard set by EPA	150 µg /M³
Craig Road (near I/15)	254 µg /M ³
East Flamingo (near Koval)	189 µg /M ³
Green Valley (Arroyo Grande, Sanchez)	281 µg /M ³
JD Smith (near Bruce and Owens)	218 µg /M ³
Pittman (near Boulder Highway and Water Street)	239 µg /M ³

Table 2 tracks changes in the design value for the last three years. The highest design value has dropped from 339 µg /M³ to 281 µg /M³.

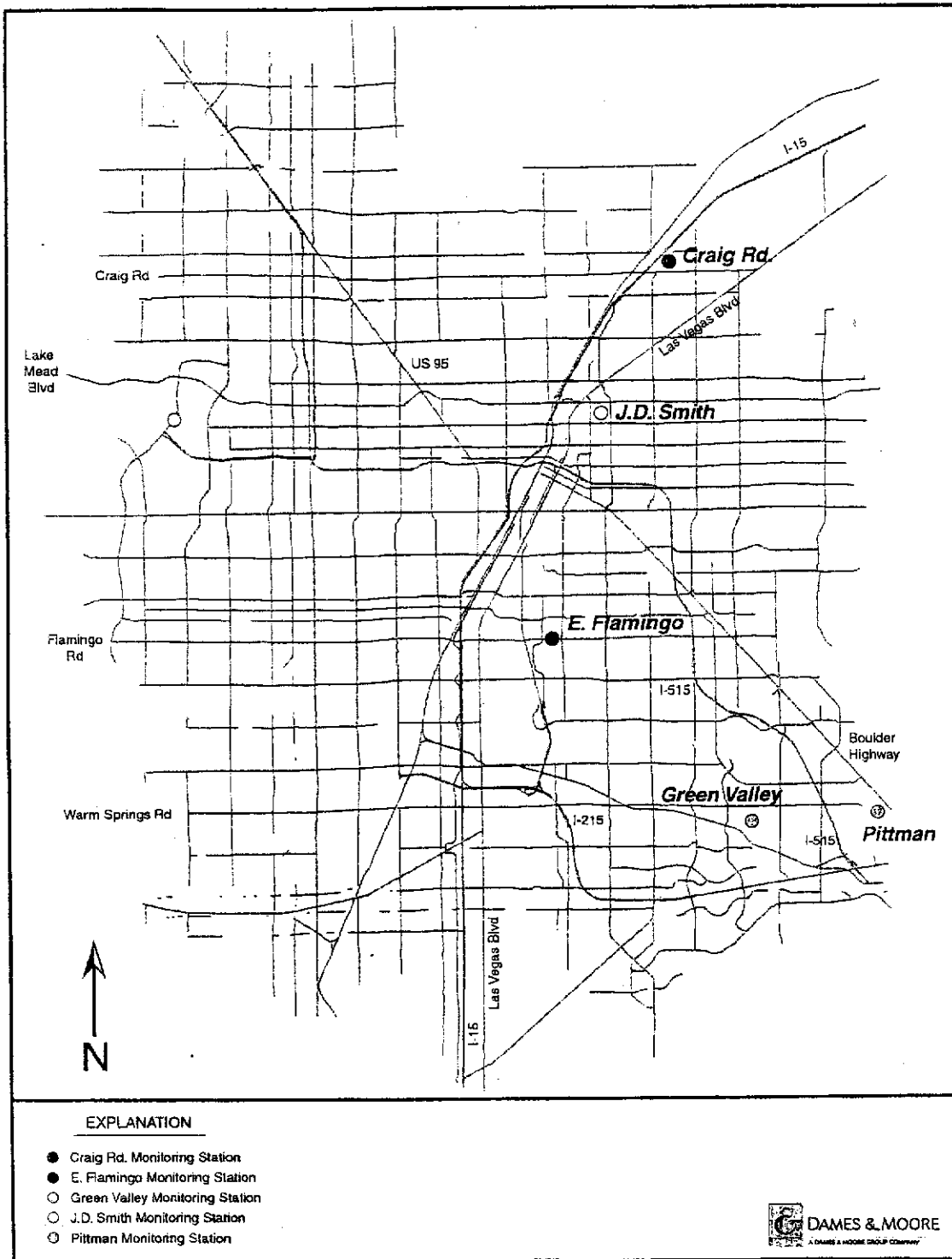
Table 2
Changes in the 24-hour design values for recent overlapping three-year period

Station	1997-1999	1996-1998	1995-1997
Craig Road	254 µg /M ³	251 µg /M ³	318 µg /M ³
East Flamingo	189 µg /M ³	281 µg /M ³	165 µg /M ³
Green Valley	281 µg /M ³	296 µg /M ³	339 µg /M ³
JD Smith	218 µg /M ³	310 µg /M ³	310 µg /M ³
Pittman	239 µg /M ³	258 µg /M ³	258 µg /M ³

We believe improved compliance by permittees, due to stricter enforcement, has contributed to the decrease of 60 µg /M³ (from 339 µg /M³ to 281 µg /M³) in the highest design value. Nevertheless, this value must drop another 131 µg /M³ to demonstrate attainment. Today's proposals and other pending proposals must result in a substantial reduction of current emissions in order to reach acceptable PM₁₀ levels.

Most stations operated by the District are in attainment. Some hypothesize that concentrations of inhalable particulate at all stations will exceed the air quality standard because we are 'in the desert.' At the background stations in or near the valley the 'natural levels' on the days when the design value concentrations were measured ranged from 16 to 42 µg/M³, levels well below the standard of 150 µg/M³. It appears that man-made sources of emissions near the monitors contribute the levels above the 'natural' levels.

Figure 2
Locations of Five Stations Not in Attainment



2. Emissions Inventory

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from the sources addressed by this memorandum significantly contribute to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health. The "microinventory" approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated on a day with a high wind event with gusts of over 40 miles per hour. The data was provided by the Department of Comprehensive Planning (prepared by their contractors, Dames & Moore and UNLV), and all estimates are subject to change as additional information is collected in the next few months.

Table 3

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour.

All percentages are rounded to nearest whole number.

Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	(?)	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction					
Wind erosion	13%	30%	54%	19%	3%
Construction Activity (including trackout)	3%	3%	8%	2%	1%
Stationary sources	1%	0%	1%	0%	1%
Other areas		-		-	-
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	100%	100%

3. Attainment Calculations

By comparing the design value concentrations in Table 1 to the air quality standard, it is apparent that significant reductions in PM₁₀ emissions are needed to reach attainment.

The overall reductions that can be obtained from cumulative reductions from each emission category have not yet been calculated by the Department of Comprehensive Planning. The magnitude of the overall reductions needs to match the reduction target at each of the five stations not in attainment.

A. Section 9 [Civil Penalties]

The minimum fugitive dust violation penalty at construction sites and at stationary sources should remain at \$1800. This penalty applies to cases where the dust plume extends more than 100 yards. The language for \$1800 needs to cite a subsection of Section 94, which is still being redrafted based on ongoing stakeholder discussion. Staff recommends continuance of the hearing on Section 9.

B. Section 93 [Fugitive Dust from Paved Roads and Street Sweeping Equipment]

According to Table 3, paved road dust accounts for from 9% (Pittman) to 42% (JD Smith) of microinventory PM₁₀ emissions on a high-wind day.

The proposed regulation has several basic components

- 1) Starting Jan 1, 2001, all new roads and roads being modified or rebuilt will be required to include four feet of stabilized shoulders on each side.
- 2) Starting Jan 1, 2001, each year for 20 years, 5 percent of the existing roads without stabilized shoulders would need to be upgraded to include shoulder stabilization as required for new and modified roads.
- 3) Starting in the year 2003, only street sweepers certified as low PM₁₀ emitters shall be purchased by the municipal public works agencies.

Some of the language originally proposed is updated in the yellow section. The revised area has been indicated with a vertical line.

C. Section 94 [Dust Control Permit for Construction Activities]

This title has been updated to reflect the recommended combining of Sections 94, 95, and 96. In the proximity areas of the five stations not in attainment, construction emissions (including construction activity and wind erosion from construction sites) is estimated to contribute from 3% (Pittman) to 62% (Green Valley) of total daily emissions on days with high winds. Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. Furthermore, as Table 3 illustrates for the high wind days, most of the construction activity emissions are attributed to wind erosion.

In 1999, the District issued dust control permits for construction activity that covered 20,100 acres on approximately 1600 projects.

The main goal of Section 94 is to enhance the proactive enforcement of conditions to prevent wind blown dust. We estimate that the implementation of Section 94 will reduce windblown emissions from construction activity by approximately 30% to 50%.

The proposed rules expand the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and specifies control measures known as Best Management Practices. Subsections provide for maintaining dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, rthmoving operations, trenching, explosive blasting, record keeping, and other procedures. A subsection will update an existing rule for visible dust plumes that exceed 100 yards.

Some major initiatives are:

- Several test methods are described with which the site operator must comply to demonstrate that there will not be loose soil that can become airborne during high winds.
- Sites permitted for over 100 acres shall have a 'dust control supervisor' in addition to regular management.
- All equipment operators are to receive dust control class training by January 2002. There are at least 8,000 such persons. In last 2 years, 4,000 people have attended dust school and received their dust school card.
- New emphasis on trackout prevention.

The effective date for compliance is September 1, 2000.

We do not have an estimate for the additional cost of complying with the new initiatives. Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation which could increase cost of job site supervision.

However, there are points of contention and continued discussion:

- Dust control monitoring person for large construction sites
- Notices of Violation for permit condition non-compliance in the absence of fugitive dust
- Wind event definition/defense
- Dust control class attendance requirements
- Trackout conditions/thresholds for enforcement (also potential stormwater rule compliance issues)
- Codifying a best management practices document separately from regulation 94

Staff seeks additional time to redraft the working version of Section 94 and to prepare the best management practices document. Staff recommends continuance of hearing on Section 94. Staff anticipates returning to the Board next month with updated proposals and a request for a new hearing at the Board's July 27 meeting.

Stakeholder Consultation

We held formal workshops on April 4 and April 18, 2000. We have had several meetings with industry groups. These meetings are continuing.

Feedback From the EPA

We have had little feedback from EPA. Also, the Section 94 rule language is fairly dynamic right now. Continuance should allow reconciliation of input from all sectors.

Public Notice

The public notice for the hearing was published on Sunday April 23, in the Las Vegas Review Journal/Sun. Copies of the notice were mailed to our distribution list of construction activity permittees.

Attachments

- I. Proposed Regulation Amendments Sections 9, 93, 94, 95, and 96
- II. Recommended Revisions to New Section 93

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
June 22, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV
NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

PRESENTATION: Retirement: June Constantino, RN
Ambassador of Courtesy Award: Rayleen Earney
NEHA Award Presentations by D. Maxson, President

- I. **CONSENT AGENDA:** Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
1. **Approve Minutes/Board of Health Meeting - 05/25/00**
 2. **Approve Payroll/Overtime for Periods of: 04/15/00 - 04/28/00 & 04/29/00 - 05/12/00**
 3. **Approve Accounts Payable Register - #783: 04/21/00 - 05/05/00; #784: 05/08/00 - 05/19/00 & #784 A: 05/22/00 - 05/24/00**
 4. **Petition #47-00 - Proposed Redefinition of the Health Educator I Classification. Current Salary Schedule 19, (\$33,675.20 to \$46,974.72 annually). No Salary Change**
 5. **Petition #50-00 - Request to Set a Public Hearing for July 27, 2000 to Consider Approval of the Section 94 (Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices for Construction Activity Dust Control.**
 6. **Petition #51-00 - Proposed Adjustments to FY 99-00 Appropriations, Resolution #01-00 Transfers from the General Operating Fund of \$250,000 to the Capital Reserve Fund and \$10,000 to the Liability Reserve Fund**
 7. **Petition #52-00 - Reappoint Air Pollution Control Hearing Board Membership Committee (Drs. Hardy & Christensen): Accept Recommendations for Engineering Member and Alternate Positions; Report on Status of Other Vacant Member and Alternate Positions**
 8. **Petition # 54-00 - Interlocal Agreement with Clark County Social Service/Family & Youth Services: SAINT Program (Biennial Renewal)**
 9. **Petition #55-00 - Interlocal Agreement with Clark County Child Protective Services: Public Health Nurse Liaison Services (Annual Renewal)**
 10. **Petition #57-00 - Revision of District Administrative Public Record and Medical Services Fee/Reimbursement Schedules (Annual Update)**
 11. **Petition #59-00 -Set a Public Hearing Date of August 24, 2000 to Adopt Regulatory Requirements for Farmers Market & Setting Fees for Satellite Food Vendors at the Farmers Market**

12. **Petition #60-00** - Request to Extend Air Pollution Control Hearing Board Legal Counsel Contract for William Levy, Esquire to June 2002
13. Report from Environmental Advisory Committee (EAC) on Proposed Air Quality Regulations and Recommendations Regarding Air Quality in Clark County (Member Kenny Requested Item)
14. **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. **Memorandum #14-00**- Public Hearing to Consider a Variance Request From Clark County Fire Department Emergency Medical Services Regulations 900.500, Approval of Endorsement for Good Springs Ambulance Service
 - b. **Memorandum #15-00** Public Hearing to Consider a Variance Request from Clark County Fire Department District Emergency Medical Services Regulation 900.500, Approval of Endorsement for Bunkerville Ambulance Service

II. PUBLIC HEARING/ACTION

1. **Memorandum #12-00** - Public Hearing to Proposed Changes to Section 0 [Definitions]; and Proposed New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots]; Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads]; and Section 92 [Fugitive Dust From Unpaved Parking lots]. (*Continued From 5/25/00 Meeting*)
2. **Memorandum #13-00** - Public Hearing on Proposed Changes to Section 0 [Definitions]; Section 9 [Civil Penalties]; Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment]; Section 94 [Permitting and Dust Control for Construction Activities] (*Continued From 5/25/00 Meeting*)

III. REPORT/DISCUSSION/ACTION

1. **Memorandum #16-00** Selection of a Legislative Lobbyist at the Federal Level (Member Kenny Requested Item)
2. **Petition# 56-00** - Recruitment/Selection Process for District Legal Counsel

IV. 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.

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. Administration Division:

- * Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of April
- * Emergency Medical Services Annotated Agenda

2. Air Quality Division:

- * Letter from State of Nevada Environmental Commission Granting Clark County Health District's Exemption from NRS 486A, Alternative Fuels Program
- * Hearing Officer & Board Annotated Agenda and Minutes
- * Monthly Report, May 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, Regulation Development and Legislative Wrap-Up)
- * Air Quality Division Monitoring Section Web Pages

3. Environmental Health Division:

- * Monthly Activity Report
- * Listing of Food Establishments in Plan Review for the Period of 04/01/2000 to 04/30/2000

4. Epidemiology:

- * Monthly Report

5. Nursing and Clinics Division:

- * Nevada Partnership for Homeless Youth Minutes, 05/24/00

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-8342

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

Prior to 5:00 am/pm on June 15 2000

I posted the agenda of the 6/22/00 meeting of the
(date)

CLARK COUNTY DISTRICT BOARD OF HEALTH to be posted in the main lobby of the

District Health Center on Shadow Lane in Las Vegas, Nevada, and in the main lobbies at three other separate places within Clark County, Nevada, to wit:

1. CLARK COUNTY GOVERNMENT CENTER
2. LAS VEGAS CITY HALL
3. * NORTH LAS VEGAS CITY HALL

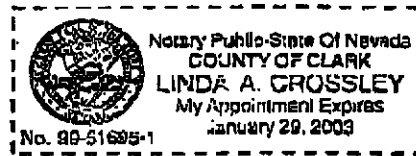
which is more than three (3) working days before such meeting in accordance with the provisions of NRS 241.020 (3)(b).

[Signature]
Signature:
 Clark County Health District Employee

Subscribed and sworn to before me

this 15th day of June 2000

[Signature]
NOTARY PUBLIC





CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

AFFIDAVIT OF POSTING

STATE OF NEVADA)

COUNTY OF CLARK)ss:

THE UNDERSIGNED, being first duly sworn, deposes and says:

Prior to 9:00 am/pm on 6/14/00

I posted the agenda of the 6/22/00 meeting of the CLARK COUNTY DISTRICT BOARD OF HEALTH to be posted in the main lobby of the

District Health Center on Shadow Lane in Las Vegas, Nevada, and in the main lobbies at three other separate places within Clark County, Nevada, to wit:

- 1. * CLARK COUNTY GOVERNMENT CENTER
2. * LAS VEGAS CITY HALL
3. NORTH LAS VEGAS CITY HALL

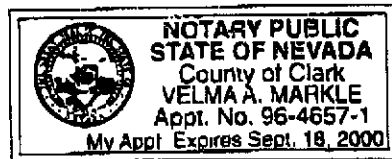
which is more than three (3) working days before such meeting in accordance with the provisions of NRS 241.020 (3)(b).

Signature: [Handwritten Signature]
Clark County Health District Employee

Subscribed and sworn to before me

this 16 day of June 2000

[Handwritten Signature]
NOTARY PUBLIC



MINUTES
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, June 22, 2000

The meeting of the District Board of Health was called to order at 8 a.m. by Chairman Brown and the Pledge of Allegiance held. Chairman Brown 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:

Paula Brown	Chairman, North Las Vegas
Susan Crowley	Vice-Chairman, Henderson
Sherry Colquitt, RN	Appointee, Las Vegas
Jim Christensen, MD	Physician Member At-Large
Amanda Cyphers	Councilman, Henderson
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Mary Kincaid	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilwoman, North Las Vegas
*Telephonically: Erin Kenny	Commissioner, Clark County

Absent:

Alice Fessenden	Appointee, Mesquite
-----------------	---------------------

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Ian Ross, Esquire

APPROVED-BOARD OF HEALTH
DATE 7/27/00 *mlg*

Staff:

David Rowles; Michael Naylor; Clare Schmutz; Fran Courtney, RN; Ed Wojcik; Rose Bell, PhD; Karl Munniger; Mike Sword; Glenn Savage; Shane Martin; LaRue Scull; Harold Glasser; Mason McNinch; Femi Durosinmi; Art Bashor; Pat Ringgenberg; Cheryl McDonnell-Canan; Jennifer Sizemore; Forrest Hasselbauer; Leo Vega; Cyndy Mikes; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Steve Holloway	Associated General Contractors
Jesse C. Paulk	Associated General Contractors
John C. Jamrog	Bureau of Land Management
Jeffrey G. Steinmetz	Bureau of Land Management
Christine Kidd	City of Henderson
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Shannon Rogan	Chemical Lime Company
Donna Rainone	Clark County Commissioner's Office
Will Cates	Clark County Comprehensive Planning
Rodney Langston	Clark County Comprehensive Planning
Russell Roberts	Clark County Comprehensive Planning
Ed Matteson	Clark County Fire Department
Bryce Arkell	Clark County Public Works
Chuck Jenner	Clark County Public Works
John Murdoch	Clark County Public Works
Ed Lubbers	Construction Industry Coalition
Lori Headrick	Converse Consultants
Sean Ross	Del Webb Corporation
Mike Hofstetter	Greater Nevada Auto Auction
Dixie D. Jackson	Hollywood Gravel Company
Keith Jones	Justice & Associates
Keith Rogers	Las Vegas Review Journal
Alex Host	Las Vegas Valley Water District / Southern Nevada Water Authority
Jerry R. White	NCOA
Berlyn Miller	Nevada Contractors Association
Marc Reisman	Nevada Department of Transportation
Robert W. Hall	Nevada Environmental Coalition
James Sohns	Nevada Environmental Coalition/ Nevada Car Owners Association
Joanna Brooks	Nevada Power
Ken Mahal	Nevada Senior Coalition
Paul Fransioli	PM Research Advisory Committee
Denise Brodsky	Self
Maureen Brower	Self
Carol Caldwell	Self
Fred Couzens	Self
Howard Knighten, Jr.	Self and NCOA
Stephen R. Minagil	Self
Mary Shope	Self

Terri Barber
Monica Caruso
Roy Thompson
Leanne Miller
Susan Selby
Jim Begbie
Carl Cahill
Eileen Coulombe
Andy Goodrich

Southern Nevada Home Builders Association
Southern Nevada Home Builders Association
Southern Nevada Home Builders Association
Southern Nevada Water Authority
Southern Nevada Water Authority
Washoe County District Health Department
Washoe County District Health Department
Washoe County District Health Department
Washoe County District Health Department

PRESENTATIONS:

Retirement:

Chairman Brown on behalf of the Board Member and Staff presented June Constantino with a plaque in recognition and appreciation of over 30 years of dedication and outstanding service to the citizen and visitors of Clark County.

Ambassador of Courtesy Award:

Jean Palmer, Health Education Coordinator presented Rayleen Earney as the recipient of the Ambassador of Courtesy award and a Certificate of Recognition for her commitment to quality customer service.

Nevada Environmental Health Association (NEHA) Award Presentations: by Daniel Maxson, President

Daniel Maxson, on behalf of NEHA, presented a plaque to Clare Schmutz, Director of Environmental Health, in recognition of established professional standing had been elected a Fellow Member of the NEHA in the year 2000.

Also, Phillipa Pointon was awarded the Environmental Health Professional of the Year Award for her work in the body piercing and tattoo regulations and enforcement. Phillipa thanked Member Cyphers for her efforts in initiating the development of regulations on these issues.

I. CONSENT AGENDA:

Chairman Brown stated that she wanted to acknowledge Member Kenny who would be participating by telephone. However, since telephone participation by Board of Health Members has never occurred before, this process should be placed on the July Board of Health agenda for discussion and action in order to establish a phone conferencing policy for future Board of Health meetings.

Member Kenny remarked that she disagreed with the ruling. Further, the District Attorney and Attorney General's office disagreed and would be contacting Dr. Kwalick and Ian Ross, Board Legal Counsel regarding same.

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 stated that Staff requested the **withdrawal** of ****Item #14 (a) Memorandum #14-00**, Public Hearing to Consider a Variance Request From Clark County Fire Department Emergency Medical Services Regulations 900.500, Approval of Endorsement for Good Springs Ambulance Service.

She opened the public hearing for variance requests and asked if anyone wished to speak on the variance requests? There being no response she closed the public hearing on the variance requests.

Member Smith moved to approve the following consent agenda and requested that **Item #13**, Report from Environmental Advisory Committee (EAC) on Proposed Air Quality Regulations and Recommendations Regarding Air Quality in Clark County, be *removed* from the Consent Agenda in order for the Board to hear the report separately. Motion was seconded by Member Ravitch and carried unanimously.

1. **Approve Minutes/Board of Health Meeting** - 05/25/00
2. **Approve Payroll/Overtime for Periods of:** 04/15/00 - 04/28/00 & 04/29/00 - 05/12/00
3. **Approve Accounts Payable Register** - #783: 04/21/00 0 05/05/00; #784: 05/08/00 05/19/00 & #784 A: 05/22/00 - 05/24/00
4. **Petition #47-00** - Proposed Redefinition of the Health Educator I Classification. Current rent Salary Schedule 19, (\$33,675.20 to \$46,974.72 annually). No Salary Change
5. **Petition #50-00** - Request to Set a Public Hearing for July 27, 2000 to Consider Approval of the Section 94 (Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices for Construction Activity Dust Control.
6. **Petition #51-00** - Proposed Adjustments to FY 99-00 Appropriations, **Resolution #01-00** Transfers from the General Operating Fund of \$250,000 to the Capital Reserve Fund and \$10,000 to the Liability Reserve Fund
7. **Petition #52-00** - Reappoint Air Pollution Control Hearing Board Membership Committee (Drs. Hardy & Christensen): Accept Recommendations for Engineering Member and Alternate Positions; Report on Status of Other Vacant Member and Alternate Positions
8. **Petition # 54-00** - Interlocal Agreement with Clark County Social Service/Family & Youth Services: SAINT Program (***Biennial Renewal***)

9. **Petition #55-00** - Interlocal Agreement with Clark County Child Protective Services: Public Health Nurse Liaison Services (**Annual Renewal**)
10. **Petition #57-00** - Revision of District Administrative Public Record and Medical Services Fee/Reimbursement Schedules (**Annual Update**)
11. **Petition #59-00** -Set a Public Hearing Date of August 24, 2000 to Adopt Regulatory Requirements for Farmers Market & Setting Fees for Satellite Food Vendors at the Farmers Market
12. **Petition #60-00** - Request to Extend Air Pollution Control Hearing Board Legal Counsel Contract for William Levy, Esquire to June 2002
14. **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.*
 1. ~~**Memorandum #14-00 - Public Hearing to Consider a Variance Request From Clark County Fire Department Emergency Medical Services Regulations 900.500, Approval of Endorsement for Good Springs Ambulance Service~~
 2. **Memorandum #15-00** Public Hearing to Consider a Variance Request from Clark County Fire Department District Emergency Medical Services Regulation 900.500, Approval of Endorsement for Bunkerville Ambulance Service

Item(s) Removed from the Consent Agenda:

- #13. Report from Environmental Advisory Committee (EAC) on Proposed Air Quality Regulations and Recommendations Regarding Air Quality in Clark County (Member Kenny Requested Item)

Donna Rainone handed out a copy of the draft Air Quality Agency Plan:

Rick Holmes, Assistant Clark County Manager, stated that the Chair and Vice Chair of the Environmental Advisory Committee were unable to attend the Board meeting. The EAC was created by the Board of County Commissioner to advise on air quality issues and help identify and recommend solutions to the air quality problems. Several action items were on the EAC agenda. The EAC endorsed and supported the versions of the air quality rules that were available on June 15, 2000. Another action item, which was endorsed in concept by the EAC, dealt with the organization or direction for a new agency dealing with air quality management. The EAC's recommendations were presented and approved by the Board of County Commissioners on June 20, 2000.

He briefly reviewed the draft Air Quality Agency Plan. Essentially, the concept was to combine the existing activities of the Air Pollution Control Division and the air planning team of Clark County Comprehensive Planning department. This agency would be organized under a Chief Air Quality Officer who would report to an air quality board. The air quality board would consist of elected officials from each jurisdiction that is participating in the organization. This would be accomplished through a combination of interlocal agreements and revisions to the Clark County Code. The organization would be supported by a technical committee which would include any members of the Board of Health that

were not elected officials as well as technical representatives from each of the member jurisdictions. As far funding, the concept is to continue existing funding levels whether from grants, general fund and revenues that normally fall under air pollution efforts from regulations and permitting. This funding would be shifted from the current destinations, either in the Health District or the County over to the new organization. Any new funding sources would be split among the jurisdictions that have members on the board.

Discussion followed among the Board Members as to the feasibility of establishing an air quality board. Implementation of this air quality plan would have to be presented to each entity, the Regional Planning Commission and ratified by their respective boards. Discussions with various city and county representatives have been initiated. The Board Members thanked Commissioner Kenny for laying the foundation and giving some impetus to action on the concept. Complicated details exist that need to be worked out with involvement from all the governmental entities in Southern Nevada and the State of Nevada. A resolution will be presented to the Regional Planning Coalition on June 22nd for each of the entities to collaboratively work out a plan. Initiating the collaborative process on neutral ground at the Regional Planning Coalition, would allow for inclusion of all the entities involved. Conversations have been ongoing with Senator Porter and he is aware that efforts are being made to accomplish a plan by October 1, 2000.

Member Kincaid asked Ian Ross, Board Legal Counsel if Interim Legislative Committees have the authority to direct entities to complete tasks by a certain time instead of the Legislative body as a whole?

Ian Ross, Board Legal Counsel, remarked that the Legislative body as a whole had the authority to direct entities to perform tasks within a certain time limit. Interim Committees can tell an agency what their intentions are to advise the State Legislature and what consequences of that committee's action will be if certain entities or groups do not do certain things. He felt that Senator Porter was advising people what the intention of that Interim Committee would be if the local groups did not take action. There is no formality by that committee and no legal deadline that has to be met.

Member Smith moved to accept the report, however, discussion indicated that voting to accept the report did not mean endorsement by the Board of Health at the present time. Motion was seconded Sherry Colquitt and carried unanimously.

Ian Ross, Board Legal Counsel stated that Jan Stewart of the Deputy District Attorney's office had arrived and requested a recess to talk with Board Legal Counsel.

~~Chairman Brown recessed the meeting at 8:50 a.m. She reconvened the meeting at 9:10 a.m.~~

Upon reconvening Dr. Kwalick introduced visiting Washoe County Health Department attendees: Jim Begbie, Acting District Health Officer; Carl Cahill, Division Director Environmental Services; Eileen Coulombe, Health Analyst; Andy Goodrich, Air Quality Supervisor.

*Ian Ross, Board Legal Counsel remarked that during the recess Mr. Jan Stewart, Deputy District Attorney, requested when Member Kenny voices how she intended that the vote be recorded and preserved for some future time to determine whether or not she has the right to vote. At this point, in Mr. Ross' opinion Member Kenny's vote does not count because the Board of Health does not have a policy that Board Members may be counted as present and vote present by telephone. Consequently, until the board has such a policy she would be participating in the discussions but not in the voting.

Commissioner Kenny added that she felt comfortable with the Deputy District Attorney and the State of Nevada Attorney General's opinion that her votes do count. She requested that her votes be recorded in order to become memorialized in the future.

II. PUBLIC HEARING/ACTION

- 1. Memorandum #12-00** - Public Hearing to Proposed Changes to Section 0 [Definitions]; and Proposed New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots]; Section 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads]; and Section 92 [Fugitive Dust From Unpaved Parking lots].
(Continued From 5/25/00 Meeting)

Michael Naylor, introduced Russell Roberts, Air Quality Planning Manager of Clark County Comprehensive Planning Department and explained that they would make a joint presentation. On June 12th, a workshop was conducted on all the proposals. Additional ideas were generated from a subsequent meeting of interested parties. Copies of the proposed changes were handed out with the date of revision or incorporation into the regulations listed at the top.

With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of 150. Micrograms of PM10 per cubic meter of air. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control measures. There are five stations in the Las Vegas Valley not in compliance with air quality standards: Craig Road (254), East Flamingo (189), Green Valley (281), JD Smith (218) and Pittman (239). The most serious of these sites are the stations at Craig Road (254) and Green Valley (281). Since 1997, despite these high numbers, there has been a drop in the maximum levels of PM10. The data from the monitoring stations is now available on the Health District's website (www.cchd.org).

Changes in weather conditions and improved compliance by permittees, due to stricter enforcement, has contributed to a decrease in the highest design value at Craig Road. Implementation and compliance with the proposed changes must result in a substantial reduction of the current emissions in order to reach acceptable PM10 levels.

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM10 emissions from various sources significantly contribute to concentrations of PM10 that exceed the daily and annual PM10 air quality standards established by the EPA and the Board of Health.

There are proposed amendments to the existing definitions in Section 0 and several newly proposed definitions to add. These definitions all relate to the other sections of the proposed regulations.

The proposals in Section 90 for controlling fugitive dust in open areas and vacant lots will make the most difference in reaching attainment. This category is currently unregulated and if adopted, Clark County will be only the second area in country that regulates this category. The first area is Maricopa County.

Section 91 addresses the fugitive dust from unpaved roads. Currently there are no requirements to mandating the paving of existing roads, but this rule would mandate the paving of roads that have more than 150 trips per day. The mileage of these roads is still being evaluated; however, there

could be approximately 83 miles of road have traffic counts exceeding 150 trips per day. The revised proposal mandates that paving or periodic stabilization over a three-year period starting in January 2001. Roads with a lower traffic count, which do not meet stabilization criteria, would need to be stabilized within 365 days of discovery that they do not meet the standards. For the higher traffic-count roads the Regional Transportation Commission through the congestion mitigation air quality account will be providing funding to all the local public works agencies to pave all those roads and some of the low-traffic count roads. It is estimated that the total cost of paving the publicly maintained roads is approximately \$17 million. The rule also prohibits future construction of unpaved roads after June 22, 2000 unless such roads are an interim component of an ongoing, funded road-paving project.

On Section 92, the fugitive dust from unpaved parking lots is a minor contributor with 3% of total emissions near monitoring stations.

The Air Quality Division and the Department of Comprehensive Planning have jointly held several workshops. Also, an industry consortium has presented suggested regulatory language, which has been incorporated into the regulations. Several advertisements about the proposals have been published.

If the proposed regulations are adopted, staff intends to contract with the Conservation District of Southern Nevada to develop informational brochures and a postcard mailer that would go out this August when the property tax assessment notices go out. There has been ongoing feedback from the EPA and they are fairly comfortable with the current rules.

Additional staff will be needed to enforce the rules. This will also require a revenue increase. Staff is anticipating presenting a resolution to the Board of Health at the July meeting to commit to securing the additional resources for the Staff and housing that will be needed.

Russell Roberts briefly reviewed the changes to the regulations that occurred after the June 13th workshop.

Ian Ross, Board Legal Counsel stated that Memorandum #12-00 and Memorandum #13-00 were substantially interconnected and may be voted on together.

Chairman Brown opened the public hearing on Memorandum #12-00 and #13-00.

2. **Memorandum #13-00** - Public Hearing on Proposed Changes to Section 0 [Definitions]; Section 9 [Civil Penalties]; Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment]; Section 94 [Permitting and Dust Control for Construction Activities] (*Continued From 5/25/00 Meeting*)

Michael Naylor explained that the basic information pertaining to the regulations in Memorandum #12-00 were similar to the proposed amendments in Memorandum #13-00.

The civil penalties in Section 9, were expanded to cover the different types of violations that could occur in Section 94. Specific penalties for violations of Section 9 to 93 were also included in the proposed regulations. Minimum penalties for open burning would also be increased.

Section 93 would require that newly paved roads would need to meet shoulder stabilization criteria and median on paved roads starting January 1, 2001. Also, low PM10 emitter street sweepers would need to be purchased by municipal public works agencies beginning in 2001.

Section 94 originally consisted of 3 sections (94, 95, 96). However, it is proposed at the suggestions of the Association of General Contractors and others, to merge these sections into Section 94. Some new major initiatives will be included that are the results of collaborative efforts with the industry involved. The section refers to a handbook that will need to be adopted as a regulation at the July Board of Health meeting. If the Board of Health adopts these regulations, some additional clean up will be needed.

Russell Roberts briefly reviewed additional changes to Sections 93 and 94.

Chairman Brown asked if any member of public wished to be heard on Memorandum #12-00 and #13-00?

Robert Hall, representing the Nevada Environmental Coalition, had a document handed out prior to the meeting that indicated his concerns about proceeding with the public hearings on the proposed regulation changes. He remarked that they were in favor of clean air and good regulations. However, expressed concern as he felt that the regulations were not in compliance with the open meeting law. Also, as the proxy for the State and Federal government and adopting regulations as part of the State Implementation Plan the Administrative Procedures Act comes into play, which requires 30 days prior notice. He believed that if adopted, the regulations could be held null and void. Further, the public had not been properly informed of the proposed changes, as he believed they were not posted in the local newspapers.

Member Reese asked Board Legal Counsel, Ian Ross, if it met open meeting law requirements?

Ian Ross, Board Legal Counsel, commented that yes, the Board was in proper compliance. Mr. Hall had raised the same issues with reference to other regulations. Mr. Ross explained that in the document Mr. Hall cites NRS 233B, The Administrative Procedures Act, and by definition it applies only to State agencies and has nothing to do with local agencies, including the Health District. Therefore, NRS 233B, only applies to State agencies unless the local agency has adopted it by reference. There are two places where public notice is required. NRS 439.410 (4) requires a 30-day notice which is a State statute that pertains to the Health District. Before the Health District can enact any kind of regulation, whether it is air pollution or another area, there must be a 30-day notice of intention. That notice was given and published. Since, the regulations have been continued from meeting to meeting and the open hearing has been continued from meeting to meeting it satisfies the requirement of NRS 439.410 (4). Another notice requirement is the open meeting law of NRS 241, which has been complied with because there had been a three-day notice of the Board of Health meeting.

Further, the proposed regulations have had numerous workshops that have been held at various locations at various times. There have been 5 workshops that were properly noticed under the open meeting law. However, workshops are not meetings under the Nevada state law and consequently are not required to be noticed pursuant to the open meeting law. As a courtesy to the public, all of those workshops did comply with the requirements of NRS 241. Additionally, Air Quality Division maintains a list of approximately 1,500 individuals who are interested in receiving any notices of various things happening in the air pollution area and all workshops, copies of

proposed regulations, and notices are routinely sent out to all of the people on that mailing list. Mr. Hall is on that mailing list and has received a notice of every workshop or Board meeting.

To accept Mr. Hall's position that what must be presented to the Board is the final document of the proposed regulations and that changes of any kind that are substantive cannot be made, completely defeats the process of a public hearing (where members of the public may come forward and propose specific changes); and that the Board would then not be able to adopt without another 30-day notice, is not what is contemplated in the law. Any member of the public who is interested in any area would become aware of it on the 30-day notice. The Board is in compliance with all public notices, which has consistently been the policy, and gone beyond the requirement of mere notice by sending copies of materials, posting notices of workshops in various locations, mailing information to those individuals on the mailing list.

The regulations have been dealt with over many months in order to give any member of the public who is interested or stakeholder ample opportunity for a full hearing. Most of workshops have been conducted from 2 to 5 hours in length. Many of the changes suggested by the public have been incorporated into the proposed regulations so that any individuals who are affected by the regulations have had meaningful input.

Discussion followed by the Board Members and Robert Hall concerning receiving requested information and credibility of numbers.

Member Kincaid asked about the statement in the report on emission inventory figures that reads "relative to contributions from different sources in proximity to stations not in attainment of the 24-hour standard on a day with wind gust exceeding 40 miles per hour. All percentages are rounded to nearest whole number."

Russell Roberts explained that the numbers come from a combination of a quantitative inventory on 2-kilometer grid around each of the non-attainment sites coupled with a chemical analysis of filters to identify likely sources of PM10. There are a number of ongoing studies that will improve the quality of the data. For instance, the satellite study will fine tune the contribution of unpaved roads to the problem because it will clearly identify those privately or publicly owned. Also, in some cases Comprehensive Planning Staff has to do the primary research that is designed to identify both sources and amounts. This process has to go through a number of iterations before it is as good as it needs to be. The figures reflected in the emission inventory tables are accurate to the time the inventories were done and reflects what was happening within 2 kilometers of the non-attainment sites.

Ken Mahal, president of Nevada Seniors Coalition, expressed concern about not getting back up material to some of the air pollution items, dust permit fines and hiring additional enforcement staff. He recommended that before the Board approves the regulations it should review testimony from the SB432 Subcommittee hearings to verify credibility of the proposed regulations.

Ed Lubbers, stated that he was representing the construction industry coalition whose membership consisted of the following: Southern Nevada Home Builders Association, National Association of Industrial and Office Properties, Associated General Contractor, Associated Building Contractors, Nevada Contractors Association, Concrete and Aggregate Association, Howard Hughes Corporation and Del Webb Corporation. The coalition had been working with AQD and Comprehensive Planning staff since 1999 to develop the regulations. The group appreciated the

opportunity to provide input in the process. The Coalition wanted to ensure that regulations enacted that would meet EPA standards and form a basis for an acceptable SIP, which would be effective in controlling PM10 in Southern Nevada. The regulations must apply to everyone who is part of the problem. Also, the Coalition was looking for flexibility in terms of solutions for PM10 problems and to the Health District for enforcement to work with landowners and the construction industry to help accomplish this goal.

The best management practice manual that will be considered at the July Board of Health meeting is a critical element to Section 94 and to the construction industry. The Coalition will continue to attend workshops and work with the various staff, with public education, implementation and enforcement of the rules. The Coalition supported approval of the proposed regulations.

After questioning by Ian Ross, Board Legal Counsel, about receiving appropriate notice and materials of meetings on the proposed regulations Mr. Lubbers indicated that the Coalition had been notified and received a voluminous amounts of materials on the regulations that had been requested.

James Sohns, President Nevada Car Owners Association and member of the Environmental Coalition indicated that he supported Mr. Robert Hall's comments.

Tom Gardner, representing Republic Services of Southern Nevada remarked that he had been kept apprised of the regulations as they have been developed and notices have been received. He expressed concern about Section 94 adding additional requirements to the attainment outlying areas in Mesquite. He suggested adding a subsection to the regulation to cover dust training classes.

Michael Naylor explained that Section 94 would be county wide. Having two separate sets of construction regulations, one for the Las Vegas Valley and one less stringent for outlying areas, would be difficult. Staff felt that it would be a fair approach to have the same rules apply. Also, in terms of the dust classes, AQD staff could hold classes in the outlying areas (Mesquite and Laughlin) once a month.

John Jamrog, Assistant Field Manager for renewable resources at the Bureau of Land Management, stated BLM is committed to improve air quality in the PM10 non-attainment area. The BLM staff will work with the County in the dust abatement problem. However, BLM has no official position on the applicability of the regulations on federal land at this point.

Ian Ross, Board Legal Counsel stated that it was the position of the Clark County Health District that the rules and regulations do apply to the federal land.

Mary Shope, Boulder City Citizen, thanked the AQD staff in helping to get requested information. She expressed concern over having a set civil penalty of \$1,000 for a company that has blatantly violated the permit knowing that the fine was less than what the benefit to that entity.

Ian Ross, Board Legal Counsel explained the proposed penalties in the regulations reflected mandated minimums not set amounts. The actual discretionary amount could be as high as \$10,000 per day.

Chairman Brown asked if any other member of the public wished to be heard? There was no response. She closed the public hearing on Memorandum #12-00 and #13-00.

Member Reese moved to approve Staff recommendations, Memorandum #12-00 and #13-00. Motion was seconded by Member Hardy and carried unanimously.

The Board Members thanked the community, AQD and Comprehensive Planning staff for their hard work on the regulations.

III. REPORT/DISCUSSION/ACTION

1. Memorandum #16-00 Selection of a Legislative Lobbyist at the Federal Level (Member Kenny Requested Item)

Member Kenny explained that over the last several years lobbyists working through the federal government afford local communities access to many millions of dollars that may not ordinarily be available to them. If a lobbyist with interest in the healthcare field were representing the District everyday in Washington there would be a much better chance of knowing where pockets of money are available. The University Medical Center (UMC) recently retained a federal lobbyist and now is expected to generate approximately 3 million in extra revenue. The Health District and UMC should go hand-in-hand when it comes to concerns of many of the constituents in need. She recommended that the Board of Health put out a request for proposals and research the offers that are available. This would allow the Board to become aware of what was available and allow the District to compete for financial dollars. This will benefit the District as the community grows.

Further discussion by the Board Members followed as to whether to request proposals for a federal lobbyist, or see how well a lobbyist works at the local and state level before considering a federal lobbyist. Member Christensen suggested that the Board direct Staff to research what the practices of other health departments across the United States because there may be lobbying efforts by professional organizations, (that use lobbying organizations) on behalf of large health departments or an association of health departments. Also, there may be lobbying efforts or actions already being pursued for the District that the Board is not aware of. Member Cyphers moved to seek requests for qualifications and to direct staff as indicated by Member Christensen. Motion was seconded by Member Smith and carried unanimously.

2. Petition# 56-00 - Recruitment/Selection Process for District Legal Counsel

Dr. Kwalick commented that the Board Members had two options, to either publish request for proposals (RFP) for legal counsel representation or to continue with Mr. Stephen Minagil, who has been legal counsel for the Air Pollution Control Hearing Board for the last 3 ½ years. Mr. Minagil was recruited at that time by a Board of Health initiated local RFP recruitment process. Recently, he has expanded his duties to provided back-up legal counsel for Mr. Ross whose is resigning in July. Staff recommended appointment of Mr. Stephen Minagil since he is a known quantity, which would provide good institutional memory. Mr. Minagil is gearing down his practice as of August 1, 2000 in order to be available to increase his time to the District.

After discussion by the Board, Staff and Legal Counsel concerning whether to open the process by going out to bid or to retain Mr. Minagil to maintain continuity, Member Colquitt moved to appoint Mr. Minagil as the Board Legal Counsel for a term of two years. Motion was seconded by Member Henderson and approved with the following roll call vote:

Member Christensen	Aye	Member Ravitch	Aye
Member Smith	Nay	Member Reese	Nay
Member Kincaid	Aye	Member Colquitt	Aye
Member Brown	Aye	Member Hardy	Aye
Member Crowley	Aye	Member Cyphers	Nay
*Member Kenny	Nay	Member Henderson	Aye

IV. 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.

Robert Hall, representing Nevada Environmental Coalition, expressed concern about the \$434, in charges that were placed on him to get copies of material, which should be available for the public. He asked for copies of materials on March 30, 2000 and he did not receive them. He requested that his concerns and Ian's statement be made a part of the record.

Ian Ross, Legal Counsel, explained that copies of materials pertaining to the regulations are available to any member of the public. However, Mr. Hall was talking about other kinds of documents, which are not made available to everyone for free. Those documents have to be paid for or can be reviewed by coming to the Health District.

Ken Mahal, Nevada Seniors expressed a concern that he also noticed that there had been a problem getting copies. Also, the locations of the monitoring stations need to be reconsidered or increase the monitoring stations proportionate to keep up with the continuing growth in the community.

V. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick noted the informational items and informed the Board that a meeting was being held on Wednesday, July 12th from 6 to 8 pm, at the County Commission Chambers on Ethics and Government Workshop hosted by the Executive Director of Nevada Commission on Ethics.

VI. INFORMATIONAL ITEMS

1. Administration Division:

- * Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of April
- * Emergency Medical Services Annotated Agenda

2. Air Quality Division:

- * Letter from State of Nevada Environmental Commission Granting Clark County Health District's Exemption from NRS 486A, Alternative Fuels Program
- * Hearing Officer & Board Annotated Agenda and Minutes
- * Monthly Report, May 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, Regulation Development and Legislative Wrap-up)
- * Air Quality Division Monitoring Section Web Pages

3. Environmental Health Division:

- * Monthly Activity Report
- * Listing of Food Establishments in Plan Review for the Period of 04/01/2000 to 04/30/2000

4. Epidemiology:

- * Monthly Report

5. Nursing and Clinics Division:

- * Nevada Partnership for Homeless Youth Minutes, 05/24/00

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 11:50 a.m.

SUBMITTED FOR BOARD APPROVAL



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



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

MEMORANDUM #12-00**TO: DISTRICT BOARD OF HEALTH**

FR: Michael H. Naylor, *Director, Air Quality Division* *MHN*
 David Rowles, *Administrative Services Director* *Rowles*
 Donald S. Kwalick, M.D., *Chief Health Officer* *DJK*

SJ: *Continued Public Hearing on Proposed Changes to Section 0 [Definitions] and Proposed New Regulations Section 90 [Fugitive Dust from Open Areas and Vacant Lots], Section 91 [Fugitive Dust From Unpaved Roads and Unpaved Alleys], and Section 92 [Fugitive Dust From Unpaved Parking Lots].*

DT: June 22, 2000**I. SUMMARY**

The public hearing on the proposed amendments was initially opened on April 27, continued to May 25, and was continued by the Board of Health to today. Suggested revisions to the proposed amendments were distributed at that meeting. Staff, in coordination with the Department of Comprehensive Planning, has had additional meetings with interested persons. The yellow sheets attached to this memo (attachment 2) comprise staff recommendations for revising the original proposed amendments, which are in the white attachment. Staff recommends that the Board receive and consider additional testimony today and approve the proposed amendments with suggested revisions as compiled in Attachment 2.

II. DISCUSSION

At the request of the Department of Comprehensive Planning, several new sections have been proposed for your consideration:

- Section 0 - Definitions, has been updated to address new terms in the new sections
- Section 90 - Fugitive Dust From Open Areas And Vacant Lots (New Section)
- Section 91 - Fugitive Dust From Unpaved Roads And Unpaved Alleys And Unpaved Easements
- Section 92 - Fugitive Dust From Unpaved Parking Lots

The originally proposed amendments are presented as Attachment I. Based on input from the community and staff, a revised version is presented as Attachment 2.

A. Non-Attainment Issues

The Las Vegas Valley was designated as a serious non-attainment area for PM₁₀ in 1993. The Clean Air Act requires a State Implementation Plan (SIP) that achieves timely attainment.

The ultimate goal of adopting these new sections and other regulatory revisions will be PM₁₀ attainment status for the Valley by 2004.

1. PM₁₀ Levels Exceed the Standards

The District operates 14 PM₁₀ stations in the Valley (see Figure 1). One station — JD Smith — does not meet the annual standard of 50 micrograms of PM₁₀ per cubic meter of air ($\mu\text{g}/\text{M}^3$). Its average PM₁₀ concentration for the last three years is $53\mu\text{g}/\text{M}^3$.

The EPA 24-hour standards for determining PM₁₀ attainment status require that each station must be in compliance on all but one day of each year. With daily monitoring, EPA guidelines indicate that the third highest measurement over a three-year period is used to compare to the standard of $150\mu\text{g}/\text{M}^3$. The third highest concentration is called the design value, or the benchmark from which attainment strategies are measured by estimating the benefit of implementing the emission control measures. Five stations have third highest concentrations exceeding this level (see Figure 2 and Table 1).

Table 1

24-hour design values for the five stations not in attainment (see Figure 2)
1997 - 1999 data

Station	
24-hour standard set by EPA	$150\mu\text{g}/\text{M}^3$
Craig Road (near I/15)	$254\mu\text{g}/\text{M}^3$
East Flamingo (near Koval)	$189\mu\text{g}/\text{M}^3$
Green Valley (Arroyo Grande, Sanchez)	$281\mu\text{g}/\text{M}^3$
JD Smith (near Bruce and Owens)	$218\mu\text{g}/\text{M}^3$
Pittman (near Boulder Highway and Water Street)	$239\mu\text{g}/\text{M}^3$

Table 2 tracks changes in the design value for the last three years. The highest design value has dropped from $339\mu\text{g}/\text{M}^3$ to $281\mu\text{g}/\text{M}^3$.

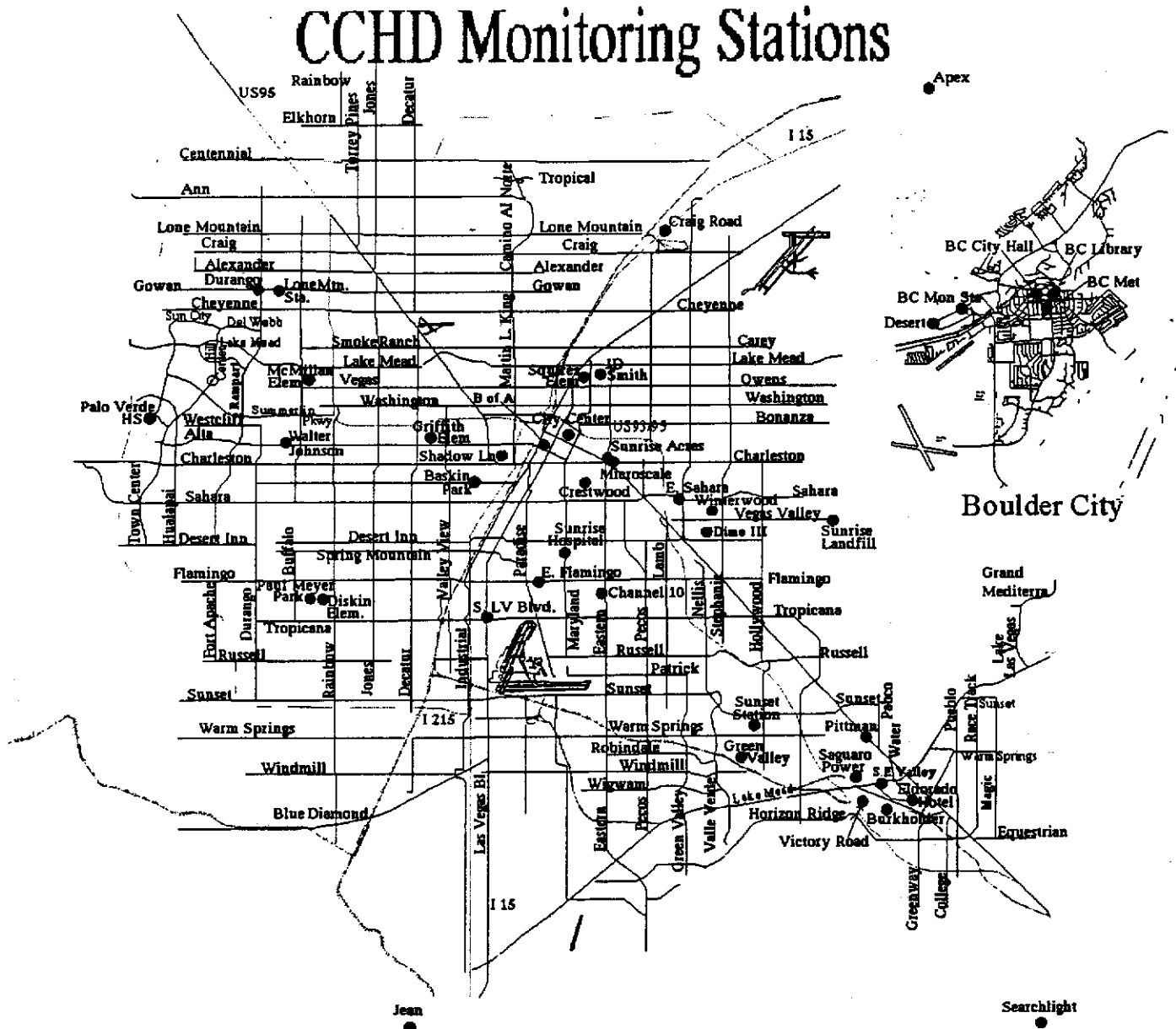
Table 2

Changes in the 24-hour design values for recent overlapping three-year period

Station	1997-1999	1996-1998	1995-1997
Craig Road	$254\mu\text{g}/\text{M}^3$	$251\mu\text{g}/\text{M}^3$	$318\mu\text{g}/\text{M}^3$
East Flamingo	$189\mu\text{g}/\text{M}^3$	$281\mu\text{g}/\text{M}^3$	$165\mu\text{g}/\text{M}^3$
Green Valley	$281\mu\text{g}/\text{M}^3$	$296\mu\text{g}/\text{M}^3$	$339\mu\text{g}/\text{M}^3$
JD Smith	$218\mu\text{g}/\text{M}^3$	$310\mu\text{g}/\text{M}^3$	$310\mu\text{g}/\text{M}^3$
Pittman	$239\mu\text{g}/\text{M}^3$	$258\mu\text{g}/\text{M}^3$	$258\mu\text{g}/\text{M}^3$

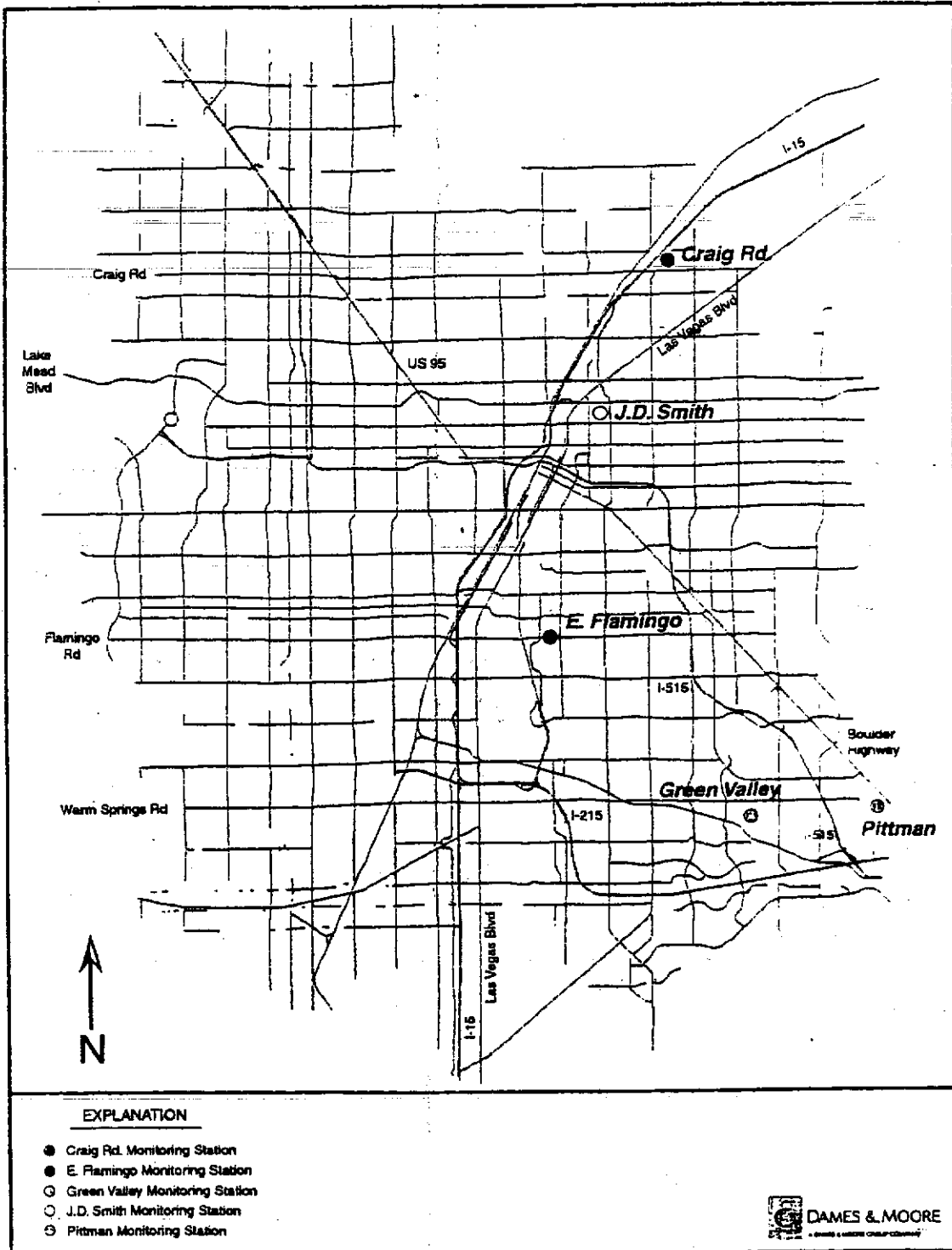
We believe changes in weather conditions and improved compliance by permittees, due to stricter enforcement, has contributed to the decrease of $58\mu\text{g}/\text{M}^3$ (from $339\mu\text{g}/\text{M}^3$ to $281\mu\text{g}/\text{M}^3$) in the highest design value. Nevertheless, this value must drop by another $131\mu\text{g}/\text{M}^3$ to demonstrate attainment. Implementation and compliance with today's proposals and other pending proposals must result in a substantial reduction of current emissions in order to reach acceptable PM₁₀ levels.

Figure 1



Most stations operated by the District are in attainment. Some hypothesize that concentrations of inhalable particulate at all stations will exceed the air quality standard because we are 'in the desert.' At the background stations in or near the valley the 'natural levels' on the days when the design value concentrations were measured ranged from 16 to 42 $\mu\text{g}/\text{M}^3$, levels well below the standard of 150 $\mu\text{g}/\text{M}^3$. It appears that man-made sources of emissions near the monitors contribute the levels above the 'natural' levels.

Figure 2
Locations of Five Stations Not in Attainment



2. Emissions Inventory

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from the sources addressed by this memorandum significantly contribute to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health.

The "microinventory" approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated on a day with a high wind event with gusts of over 40 miles per hour. The data was provided by the Department of Comprehensive Planning, and all estimates are subject to change as additional information is collected.

Table 3

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on a day with wind gust exceeding 40 miles per hour.

All percentages are rounded to nearest whole number.

Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	0%	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction activity	16%	33%	62%	20%	4%
Stationary sources	1%	0%	1%	0%	1%
Other areas		-		-	-
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	99%	100%

3. Attainment Calculations

By comparing the design value concentrations in Table 1 to the air quality standard, it is apparent that significant reductions in PM₁₀ emissions are needed to reach attainment.

The overall reductions that can be obtained from cumulative reductions from each emission category have not yet been calculated by the Department of Comprehensive Planning. The magnitude of the overall reductions needs to match the reduction target at each of the five stations not in attainment.

B. Applicable Sources of Fugitive Dust

These regulations apply to all vacant lots and open areas exceeding 5,000 square feet, all unpaved roads, all paved roads, and all unpaved parking lots.

For each category, several stabilization test methods are specified. If the category fails all of the test criteria, one of the stabilization measures needs to be implemented. All owners of affected sources are expected to evaluate their lots or roads and take measures to maintain compliance. After the effective date of the regulations, if the Health District discovers that a given source (an unpaved road, vacant lot, unpaved alley, unpaved easement, or unpaved parking lot) is not in compliance with the stabilization test methods or deadline, the owner will be given a corrective action order to comply within a specified number of days of discovery. Failure to abide by the corrective action order will be subject to further enforcement action.

1. Section 0 [Definitions]

Proposed revisions are presented for the current definitions of:

Control Officer
Fugitive Dust
Motor Vehicle
Off-Road Vehicle

New definitions are proposed for:

Best Management Practices	Open Areas and Vacant Lots
Control Measure	Owner and/or Operator
Disturbed Surface Areas	Pave
Dust Palliative	PM ₁₀ Nonattainment Area
Dust Suppressant	Reclaimed Water
Easement	Road Easement
Easement Holder	Unpaved Parking Lot
Non-Road Easement	Vacant Lot
Normal Farm Cultural Practice	

Please review the yellow sheets for descriptions of the amendments.

2. Section 90 [Fugitive Dust From Open Areas and Vacant Lots]

This regulation applies to open areas, non-road easements, unpaved parts of freeway right of ways and vacant lots located in the PM₁₀ non-attainment area (Hydrographic Basin 212). Emission inventory assessments by the Department of Comprehensive Planning and PM₁₀ estimation studies by UNLV conclude that vacant lands within the Valley are significant contributors to excess levels of PM₁₀.

The Department of Comprehensive Planning estimates that there are 151,189 acres of vacant land. Of this approximately 84% of the vacant land is believed to be stable (natural desert or stabilized) and 16% is estimated to be unstable. Emissions from unstable land are estimated at about 6,500 tons per year.

This estimate will be updated in the near future when results arrive for the authorized satellite imagery project authorized by the Board of Health.

The critical time periods are the days with gusts exceeding 40 mile per hour. Table 3 illustrates the role of unstable vacant land (including informal racetracks) at the five stations not in attainment. Unstable land estimates account from 21% of the man-made emissions near the Flamingo Station to about 38% of emissions near the Pittman station neighborhood.

Areas are required to meet the following stabilization standards which are defined by specific test methods in the regulations:

- I. Compliance with Drop Ball Test, or
- II. Compliance with Threshold Friction Velocity Test, or
- III. Compliance with Rock Test Method (for Non-Erodible Surface Elements)

Areas that fail all three tests must apply one or more of the following control measures:

- I. Prevent motor vehicle access and stabilize or
- II. Apply dust palliatives to disturbed surfaces, or
- III. Apply and maintain uniform surface gravel cover, or
- IV. Apply and maintain alternative control approved by EPA

The proposed compliance date is January 1, 2001. Staff would begin formal inspections at that time and we anticipate that it would take about two years to complete the initial round of inspections and to issue corrective action orders. The inspection schedule would be based on a priority system. Based on the UNLV survey, we tentatively project that 16% of the vacant land, or about 24,000 acres, will fail the tests for stabilization. The priority system will be refined based on the results of the ongoing satellite study to characterize disturbed vacant land.

The cost of fencing or preventing access is tentatively estimated at \$2,000 per acre. This estimate was provided by the Southern Nevada Home Builders Association, and appears to involve an annual rent for six-foot chain link fence. We do not have an estimate of how much land has vehicle access and must be fenced or secured.

The cost per application of dust palliatives such as polymers, mulch, and petroleum and other products is approximately \$500 to \$1,500 per acre. Applications would be necessary from as often as twice a year to once per several years. Based on an estimate of 24,000 acres of unstable land, the estimated initial valley-wide cost of applying dust palliatives is \$12 to \$36 million. Alternatively, periodic applications of water, along with limiting vehicle access, may suffice in some cases. This is discussed in more detail at Section I (Potential Intergovernmental Cooperative Projects).

Based on field observations of staff, unstable soils in open areas in the northern and northeastern portions of the valley seem most susceptible to re entrainment during high winds.

The AQD in consultation with local specialists has prepared a guideline for proper selection and application of dust palliatives.

2. Section 91 [*Fugitive Dust From Unpaved Roads, Unpaved Alleys and Unpaved Easement Roads*]

This category includes publicly maintained and privately owned unpaved roads which includes unpaved alleys, unpaved road easements and unpaved access roads for utilities and railroads.

According to the latest estimates of annual emissions from the Department of Comprehensive Planning, unpaved roads account for about 10% of total valley emissions. According to Table 3, on the days with high winds, the unpaved roads (publicly and non-publicly maintained) account for from 0% (three stations) to about 2% (Pittman) of the emission in the proximity of the five stations not in attainment of the 24-hour standard. The Department of Comprehensive Planning estimates that there are approximately 172 miles of publicly maintained roads among the four municipalities, including the unincorporated county, in the valley (this does not include the alleys). The inventory of non-publicly maintained roads is tentatively estimated at about 50 miles. Local agencies are maintaining approximately 83 miles of roads with traffic exceeding 150 trips per day (adt). Stabilization requires compliance with 20% opacity and a silt load of less than 0.33 oz/sq ft or silt content less than 6%.

The revised proposal mandates the paving or periodic stabilization over a three-year period of all unpaved roads in the valley with average daily traffic counts exceeding 150 adt, instead of all roads in 18 months. Roads with a lower traffic count for which the Control Officer determines do not meet stabilization criteria would need to be stabilized within 365 days of discovery that it does not meet stabilization standards. The rule also prohibits future construction of unpaved roads after June 22, 2000, unless such roads are an interim component of an ongoing, funded road-paving project.

The District estimates that implementation of this regulation will reduce emissions from unpaved roads and alleys by over 95%.

Based on a tentative estimate of \$200,000 for paving per mile of road, the total cost of paving the publicly maintained roads exceeding 150 adt is \$17 million. Owners of privately maintained unpaved roads may opt to pave the road or prevent use of the road, or to use dust palliatives. The public entities do not support use of palliatives on publicly maintained roads. A cost estimate is not available for paving the non-publicly maintained unpaved roads.

3. Section 92 [*Fugitive Dust From Unpaved Parking Lots*]

This category has not been inventoried on a valley-wide basis. The satellite project should be able to locate this category. However, the lots have been counted in the five micro-inventory locations. At the five neighborhoods surrounding the stations, they account from 0% at the Flamingo Station and Green Valley stations to about 3% of total emissions at the Pittman station.

Unpaved parking lot owners would have the options of closing and fencing the lots, stabilizing, or paving them. New unpaved parking lots would be prohibited after June 22, 2000. Costs have not been estimated at this time. The proposed compliance date for existing unpaved parking lots is January 1, 2001.

C. Community Consultation

The Air Quality Division and the Department of Comprehensive Planning have jointly held several workshops. An industry consortium, coordinated by the Southern Nevada Homebuilders (including National Association of Industrial and Office Properties, Howard Hughes Development Corp, Dell Webb, Associated General Contractors, Associated Builders and Contractors, Nevada Contractors Association and others), has presented suggested regulatory language, most of which has been assimilated into the proposals. The industry group has called for lower thresholds (in fact zero thresholds for acreage and traffic counts) for applicability of vacant lots, unpaved parking lots, and unpaved roads, as compared to the initial drafts prepared by staff. The regulations have been reviewed and endorsed (for further processing) by the County's Environmental Advisory Committee, which was founded by Commissioner Erin Kenny.

We have attended several briefings with representatives of local public works departments and the State Department of Transportation. Workshop attendees have included BLM, the Southern Nevada Water Authority, and Nevada Power all of whom own significant parcels and/or easements. The proposals have been sent to the UP Railroad. We have contacted the natural gas line and underground cable line owners.

The general public is a significant stakeholder. A ¼-page advertisement illustrating a recreational vehicle creating dust and alerting the public to today's proposals was published in the Sunday RJ/SUN on April 9 and April 12. Another advertisement was published on June 6 and June 8 for the last publicly noticed workshop, which was held on June 12. Over 1500 agendas were mailed out for the last workshop.

D. Public Education Campaign

If the proposed regulations are adopted by the Board, staff recommends conducting a substantial public education campaign during the summer and fall months of this year, so that all property owners of vacant land and unpaved roads are fully aware of the implications of the new regulations. We believe this effort can be coordinated with the County Commission's Environmental Advisory Committee in cooperation with the Conservation District of Southern Nevada (CDSN).

CDSN proposes a phased approach to dealing with the disturbed vacant land regulations and applications.

They will develop and distribute brochures to owners of disturbed vacant land and provide information for professional assistance. Informational brochures could be produced in several formats: (a) a mailing to landowners (perhaps inserted in tax statements); (b) insert cards for existing conservation and resource brochures including the Air Quality brochure currently distributed; (c) pamphlets for distribution at garden shops and feed stores (e.g., to target those horse-related and landscaping sources of dust); and (d) website pages.

E. Hiring Additional Staff and Developing Revenue Source

The Air Quality Division believes that a new enforcement section of five to ten persons may need to be recruited to implement this proposed program. This includes one supervisor, one administrative secretary, clerical staff, and enforcement officers. The revenue source has not been identified. The County requests that the Board make a commitment to funding in the near future. The funding commitment is needed for inclusion in the State Implementation Plan.

F. Phase Out of Emission Reduction Credit Program for Paving Unpaved Roads

Section 12 of the regulations provides a formula for awarding emission reduction credits for the paving of publicly maintained unpaved roads which are not scheduled for development or paving by others. Over 65 miles of road have been paved as a result of this program. The basis for awarding credits is that the roads were voluntarily paved. Today's proposals mandate paving of all unpaved roads exceeding 150 average daily trips (adt).

The future awarding of credits for roads over 150 adt should be phased out. We believe the credit program could be modified to allow credits for only low-traffic roads with adt less than 150, as the paving of the low adt roads is not needed to reach attainment. Such regulatory action cannot be taken today, but could be addressed at a future public hearing.

G. Awarding Emission Reduction Credits for Mobile Source Emission Reductions

PM₁₀ credits can now be used to mitigate emissions of CO, NO_x, and VOC. We believe that this inter-pollutant "trading" of credits should be phased out. Staff is developing concepts for a mobile source emission reduction credit process. In concept, fleet owners of on-road trucks and busses and off-road mobile equipment such as trenchers, scraper and backhoes could earn credits if they use cleaner fuels or install tailpipe emission controls on their vehicles and equipment. The concept has some advantages over the road-paving credit program in that all the products of fuel combustion (PM₁₀, sulfur dioxide, volatile organic compounds, carbon monoxide, and oxides of nitrogen, as well as smoke) could be reduced by use of cleaner fuels or tailpipe controls. If the Board adopts today's proposals, staff intends to return in a few months with draft regulations that phase out the road-paving credit provisions for high-traffic roads and to add a credit provision for mobile source emission reduction projects. Presently, Nevada Ready Mix, Las Vegas Paving, Hanson Materials, and Silver State Materials are operating some equipment on oxygenated diesel fuel and/or catalytic converters as part of a pilot project to demonstrate the concept. The oxygenated diesel fuel and catalytic converters reduce emissions of PM₁₀ and smoke, as well as carbon monoxide and oxides of nitrogen. Also, in another demonstration project, the School District and Citizens Area Transit are using California Reformulated (CARB) diesel for a portion of this calendar year.

H. Enforcement Policy

With the advent of the new Disturbed Vacant Land regulations, AQD will be dealing primarily with the general public and commercial enterprises. As a result, many of the affected persons are not educated with respect to the air pollution control regulations. In contrast, construction personnel have numerous years of experience with our dust control rules.

Consequently, enforcement of the new regulations in Sections 90 and 92 will emphasize education and proactive outreach.

I. Potential Intergovernmental Cooperative Projects

Proposed solutions to dust abatement and control on disturbed vacant land primarily include requiring landowners to secure the property to prevent disturbance and stabilize the soil to prevent dust. Fencing and physical barrier construction would be the principal method of securing the property and reestablishing and maintaining a crust or controlled surface would be required to prevent dust. In many

areas, the patterns of land ownership could result in a checkerboard of fences and barricades. Fence maintenance requirements and costs would be high. In other areas, the effectiveness of fences would be limited due to likely vandalism and trespass, particularly on the largest parcels of land and those parcels further from developed areas.

A possible solution to this problem would be the creation of *Dust Control Districts*, modeled after the existing Conservation District of Southern Nevada (CDSN). Dust Control Districts could be landscape-based cooperatives that would combine resources and organize landowners to obtain and utilize equipment such as water trucks to mimic the natural crust-forming effect of rainfall in disturbed areas. In some areas, cooperatively designed and constructed fences and barriers may be more effective than a patchwork of individual attempts. The cooperation of landowners would lead to significant cost savings as compared to individual attempts to maintain dust control on numerous parcels of land.

J. Feedback from the Environmental Protection Agency

Through emails and phone calls, EPA has informally endorsed the regulatory content of the proposals.

K. Letters

Letters have been received from (see Attachment III):

1. Southern Nevada Water Authority
2. Union Pacific Railroad
3. Richard Zagalo, in response to the photo display ad
4. Fred Couzens
5. Nevada Power

In regards to the first two letters, the suggested clarification of easement language in Sections 90 and 91 should resolve the issue. Regarding the third letter, the author demonstrates that off-road vehicle use does disturb desert topsoil. As for the fourth letter, Board members are asked to notify their respective development departments to assure that no more paving waivers are issued. Nevada Power seeks a three-year schedule for open areas in Section 90. We do not plan to be able to inspect all parcels until at least a year after the regulations are adopted. EPA has explicitly advised us that the effective date for implementing Section 90 cannot exceed 8 months.

III. Public Notice

A notice of public hearing for April 27 was published in the Review Journal/Sun on Sunday, March 26, 2000, Sunday, April 2, 2000, and Sunday, April 9, 2000. Notices were mailed to more than 300 persons or organizations.

Attachments

- I. Proposed Regulation Amendments Sections 0, 90, 91, and 92 (white)
- II. Recommended Revisions to Proposals for Sections 0, 90, 91 and 92 (yellow)
- III. Letters of Comment

ATTACHMENT III.

**LETTERS OF COMMENT
(AS OF 6/12/2000)**

UNION PACIFIC RAILROAD COMPANY

ENGINEERING
DEPARTMENT

280 SOUTH 400 WEST
SALT LAKE CITY, UT 84101



ROAD APOD
2000 MAY 15 AM 11:14

May 5, 2000

Clark County Health District
Air Pollution Control
625 Shadow Lane
Las Vegas, NV 89106

To Whom It May Concern:

After reviewing the proposed new air pollution control regulations Section 91 – "Fugitive Dust From Unpaved Road, Unpaved Alleys, and Unpaved Easement", under section 91.2.1.3 Control Measures: there is no provision that would allow a landowner to control fugitive dust by:

1. Preventing public or private motor vehicles access to a landowners unpaved roads, Unpaved Alleys, and Unpaved Easements by means of limiting access by use of barricades, fencing, etc. or
2. Control fugitive dust by speed restriction, or
3. Apply and maintain uniform surface gravel cover.

The District Board of Health should consider these items as a means of controlling fugitive dust under section 91.2.1.3.

Section 90 "Fugitive Dust from Open Areas and Vacant lot", has some of these control measures as part of the new regulations and should be consider as part of Section 91 of the Proposed Air Pollution Control Regulations.

Sincerely

A handwritten signature in cursive script, appearing to read "Alan H. Jensen".

Alan H. Jensen
Manger of Environmental Field Operation.



SOUTHERN NEVADA
WATER AUTHORITY

April 24, 2000

RCVD AQCD

2000 APR 26 AM 10:53

Administrative Office
1001 S. Valley View Blvd.
Las Vegas, Nevada 89153
Telephone: (702) 258-3939
Fax: (702) 258-3268

Project
1900 E. Flamingo, Ste. 100
Las Vegas, Nevada 89119
Telephone: (702) 862-3400
Fax: (702) 862-3470

Southern Nevada Water System
243 Lakeshore Road
Boulder City, NV 89005
Telephone: (702) 564-7697
Fax: (702) 564-7222

Michael Naylor
Director, Air Quality Division
Clark County Health District
625 Shadow Lane
Las Vegas, Nevada 89127

Subject: Proposed Fugitive Dust Control Regulations

Dear Mr. Naylor:

This will confirm our telephone conversation of April 24, 2000 concerning the proposed Fugitive Dust Control Regulations currently scheduled for hearing by the health district on April 27, 2000. At that time you informed me that the proposed regulations as drafted were going to be modified and a subsequent public hearing would be set for May or June. This would be consistent with our discussion with John Schlegel and Russell Roberts of Comprehensive Planning, who indicated they believed that the proposed regulations were going to be redrafted and renoticed for hearing. We support Comprehensive Planning's proposed redrafting of the regulations to target the community's economic resources in those areas where the most benefit will be achieved. The Authority will actively work with other stakeholder groups in reviewing the revised draft regulations.

Thank you for your cooperation in this regard.

Sincerely,

Charles K. Hauser
General Counsel

CKH:ldg

cc: John Schlegel, Clark County Comprehensive Planning

Mary J. Kincaid, Chair
County Commissioner

BOARD OF DIRECTORS

Amanda M. Cyphers, Vice Chair
Henderson Councilman

Shari Buck
North Las Vegas Councilman

Lance Malone
County Commissioner

Michael McDonald
Las Vegas Councilman

Bryan Nix
Boulder City Councilman

Myrna Williams
County Commissioner

Patricia Mulroy
General Manager

RECEIVED
CCPC-APCD

Dear sirs :

2003 APR 25 A 11: 20

I have seen your ad in various issues of The Sun newspapers. I feel that your picture of a motorcycle throwing dust from the rear wheel is very misleading. Most of the motorcycle riding is not done in Open Areas, Vacant Lots, Unpaved Roads, Unpaved Alleys, Unpaved Easements and Unpaved Parking Lots within the city / town limits. Most of the riding is done in the out in the open desert where it is allowed. A more correct picture should be of all the construction equipment tearing up the Open Areas, ect. ect. Without all of the dump trucks, bulldozers, rock haulers and various other equipment the dust problem would be a lot less. Picking on motorcycles is what I gather from your ad.

Thank you,
Richard Zagalo



Nevada Power

2000 MAY 15 AM 11:00

May 15, 2000

Mr. Michael Naylor
Director
Air Quality Division
Clark County Health District
625 Shadow Lane
Las Vegas, Nevada

Subject: Proposed Regulations
Sections 90, 91 and 92

Dear Mr. Naylor:

Nevada Power Company (NPC) would like to thank the Air Quality Division (AQD) for allowing us the opportunity to provide input regarding the proposed Air Pollution Control Regulations. NPC clearly recognizes the intent and the significance of these Regulations and is ready to do its part to improve the air quality in the community we serve.

NPC has carefully reviewed the latest proposed Regulations and we believe that some Subsections require additional consideration before they are adopted. NPC has identified the Subsections in the current form, issues of concern, and potential solutions to address the issues. Our suggested revisions are included as an attachment.

Once again, we thank you for this opportunity. Please feel free to call me at 367-5686 to discuss this issue further.

Respectfully,



Jai Sabapathi, P.E., C.E.M.
Engineer, Environmental Services

Attachment

**Nevada Power Company
Suggested Revisions to Air Pollution Control Regulations**

Explanation of suggested changes to Section 90

It is Nevada Power Company's position that the required time frame of 30 days to stabilize the "FUGITIVE DUST FROM OPEN AREAS AND VACANT LOTS" is unreasonable. This effectively forces any affected property owner to stabilize open areas and vacant lots within 30 days of the Regulations being adopted.

NPC currently owns several thousand acres of land in the Las Vegas Valley that may require stabilization under the proposed Regulations. The impact of the current draft Regulations on NPC and similar agencies (municipalities, utilities and governmental agencies) will be significant depending on how the Regulations are interpreted and enforced. NPC recognizes the potential magnitude of the fugitive dust from open areas and vacant lots, however, we respectfully request the AQD consider the need to allow stabilization of these lands in a reasonable time frame.

It is recommended that the time frame for stabilizing open areas and vacant lots should follow a prioritization program (see proposed language below) and that these areas be stabilized within a 2-3 year time frame. This allows both a reasonable schedule of compliance and an acceptable "phased-approach" for implementation of these Regulations.

The following are recommended changes:

SECTION 90 FUGITIVE DUST FROM OPEN AREAS AND VACANT LOTS

90.2.1 OPEN AREAS AND VACANT LOTS: If open areas and vacant lots are 5,000 sq. ft. or larger and have a cumulative area of 500 square feet or more that are disturbed, driven over, and/or used by motor vehicles and/or off-road vehicles; then the owner and/or operator of such open areas and vacant lots shall implement one of the control measures described in Subsection 90.2.1.1 of this Regulation ~~within 30 calendar days following the initial discovery of disturbance or vehicle use on open areas and vacant lots.~~ For the purpose of this Regulation, such control measures shall be considered effectively implemented when the open areas and vacant lots meet one of the stabilization standards described in Subsection 90.2.1.2 of this Regulation. Use of or parking on open areas and vacant lots for noncommercial and noninstitutional purposes by the owner and/or operator of such open areas and vacant lots shall not be considered vehicle use under this Subsection. In addition, vehicle use related to landscaping maintenance shall not be considered vehicle use under this Subsection. For the purpose of this Regulation, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes. Advisory Notice: In order to conserve water to the greatest extent practicable, the use of reclaimed water is highly encouraged."

90.2.1.1: Implementation of Control Measures For Existing Vacant Lands and Open Areas: Owners and/or operators of existing vacant lands and open areas that exceed the size limitations defined in Section 90.2.1 will develop and submit a Dust Control Plan to the Air Quality Division by September 1, 2000. The plan will include at a minimum:

1. Inventory of lands
2. Ranking Matrix (prioritizing based on size, soil type, land use and location)
3. Schedule of Compliance

Upon approval of the Dust Control Plan, the owner and/or operator will implement the plan and complete the mitigation according to the schedule of compliance. At a minimum, the owner and/or operators shall implement one of the control measures set forth in Subsection 90.2.1.2 of this Regulation according to the following schedule:

- (a) Control measures shall be implemented for one third (1/3) of the total vacant lands and open areas by May 1, 2001
- (b) Control measures shall be implemented for two thirds (2/3) of the total vacant lands and open areas by May 1, 2002
- (c) Control measures shall be implemented for all vacant lands and open areas by May 1, 2003

Prioritization of thirds will be based on ranking performed during preparation of the Dust Control Plan, or at the discretion of the Control Officer.

**Nevada Power Company
Suggested Revisions to Air Pollution Control Regulations**

Explanation of suggested changes to Section 91

It is important to recognize that utility easements are granted for a "specific use". An easement is an interest in land and constitutes a "right of use over the property of another." Typically, an easement holder like Nevada Power Company has a nonexclusive agreement to use the land and therefore does not have any authority or control over the underlying land. As an easement holder, we do not have the authority for mitigating fugitive dust on property that is owned by a third party. NPC holds thousands of miles of easements for transmission and distribution lines that are in remote areas, are seldom traveled, are not significant sources of PM_{10} , but which will require stabilization under the proposed Regulations.

Based on this information, it will be impossible for Nevada Power Company to comply with Section 91.2.2. as it is currently written.

Again, the impact of the current draft Regulations on NPC will be significant depending on how the Regulations are interpreted and enforced. AQD Memorandum # 08-00 provides summary information indicating unpaved roads account for approximately 1-2% of total emissions. There is no estimate of the emissions due to unpaved easements.

Subsection 91.2.2.1 discusses control measures for easements, right-of-ways and access roads for utilities and railroads. It is NPC's opinion that easements should only need to be stabilized if they do not meet the stabilization standards. The proposed control measures are limited in applicability and usefulness. Control measures should be selected based on factors such as the magnitude of the source, land use and practicality of applying a control measure. The addition of a control measure which restricts vehicle speeds to 15 miles per hour and limits vehicle trips to no more than 20 per day would achieve the desired objective of controlling dust emissions.

It is recommended that the Regulations consider the necessity of stabilizing easements using a prioritization program (see proposed language below) and easements be stabilized (if necessary) within a 2 - 3 year time frame. This will allow a reasonable schedule for compliance and an acceptable "phased-approach" for implementation of these Regulations.

The following are the recommended changes:

**SECTION 91 FUGITIVE DUST FROM UNPAVED ROADS, UNPAVED ALLEYS,
AND UNPAVED EASEMENTS**

91.2.2: UNPAVED EASEMENTS, RIGHTS-OF-WAY, AND ACCESS ROADS FOR UTILITIES AND RAILROADS: If an ~~esement holder~~ owner of a servient tenement or owner of the underlying land upon which an easement is located maintains unpaved easement condition, unpaved right-of-way, or unpaved access road for utilities and railroads in the nonattainment area, then such person shall implement one of the control measures set forth in Subsection 91.2.2.1 of this Regulation within 30 calendar days following the initial discovery of vehicle use on the easement and failure to maintain the stabilization standards set forth in subsection 91.2.2 of this Regulation. For the purpose of this Regulation, the control measures shall be considered effectively implemented, when the unpaved easement, unpaved right-of-way, and unpaved access road for utilities and railroads complies with the stabilization standards set forth in Subsection ~~91.2.2.2~~ 91.2.2.3 of this Regulation.

91.2.2.1: Implementation of Control Measures For Easement: Owners of existing easements will develop and submit a Dust Control Plan to the Air Quality Division by December 1, 2000. The plan will include at a minimum:

- 1. Inventory of easements**
- 2. Ranking Matrix (prioritizing based on size, soil type, land use and location)**
- 3. Schedule of Compliance**

Upon approval of the Dust Control Plan, the owner will implement the plan and complete the mitigation according to the schedule of compliance. At a minimum, the owner and/or operators shall implement one of the control measures set forth in Subsection 91.2.2.1 of this Regulation according to the following schedule:

- (a) Control measures shall be implemented for one third (1/3) of the total miles of easements by May 1, 2001**
- (b) Control measures shall be implemented for two thirds (2/3) of the total miles of easements by May 1, 2002**
- (c) Control measures shall be implemented for all easements by May 1, 2003**

Prioritization of thirds will be based on ranking performed during preparation of the Dust Control Plan, or at the discretion of the Control Officer.

~~91.2.2.1~~ **91.2.2.2: CONTROL MEASURES:**

- (a) Restrict speeds to 15 miles per hour and limit vehicle trips to no more than 20 per day; or**
(a)(b) Pave; or
(b)(c) Apply dust suppressants, in compliance with the stabilization standards set forth in subsection ~~91.2.2.2~~ 91.2.2.3 of this Regulation.

~~91.2.2.2~~ **91.2.2.3: STABILIZATION STANDARDS:** For the purpose of this rule, control measures shall be considered effectively implemented when stabilization observations for fugitive dust emissions from easements, rights-of-way, and access roads for utilities and railroads do not exceed 20% opacity and do not equal or exceed 0.33 oz/ft² silt loading, or do not exceed 6% silt content, as determined by Subsection 91.4.1 (Test Methods- Unpaved Easements, Unpaved Rights-of-Way, and Unpaved Access Roads for Utilities) of these Regulations. **If complying with subsection 91.2.2.2. (a), the owner must include in a Dust Control Plan, the number of vehicles traveling on the unpaved easements (i.e., number of employee vehicles, repair equipment, and haul trucks).**



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

MEMORANDUM

TO: DISTRICT BOARD OF HEALTH

FR: Michael H. Naylor, *Director, Air Quality Division* MHN
 Mike Sword, *Assistant Director, Air Quality Division* MS

SJ: *Hydrographic Basins In Clark County*

DT: June 21, 2000

The proposed regulations Section 90 (Fugitive Dust For Open Areas And Vacant Lots), Section 91 (Fugitive Dust From Unpaved Roads, Unpaved Alleys, And Unpaved Easement Roads), Section 92 (Fugitive Dust From Unpaved Parking Lots) and Section 93 (Fugitive Dust From Paved Roads And Street Sweeping Equipment) refer to hydrographic basin 212. Attached are two maps, which present the hydrographic basins in different formats.

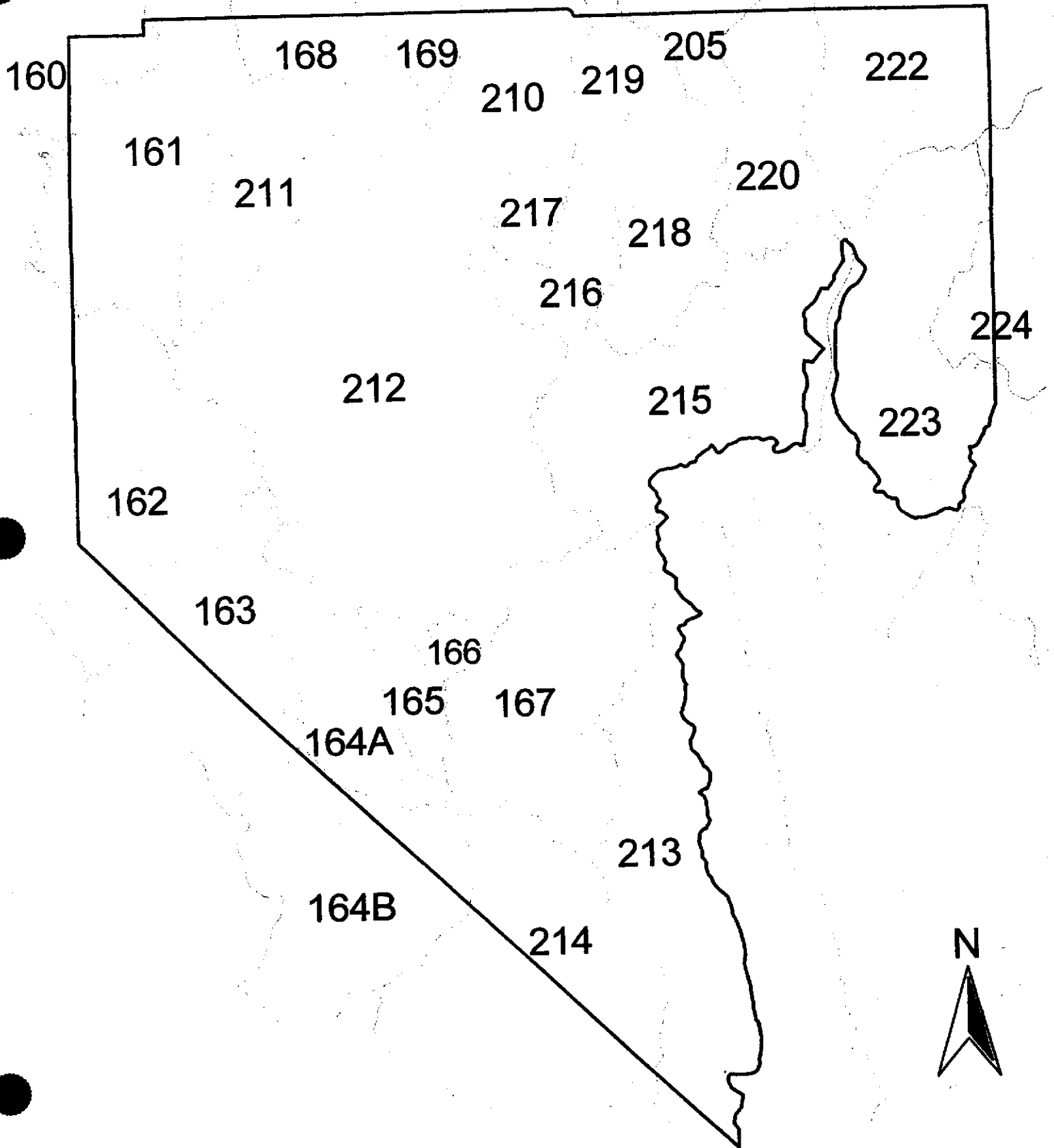
One map is titled "Clark County Hydrographic Basins." The hydrographic basins are outlined in a faint blue with the corresponding hydrographic basin identifying each area. The second map is titled "Clark County Airshed Regions" where each airshed is delineated by a thicker blue line. The numbers for the hydrographic basins, which comprise each airshed, are provided. For the purpose of references, the airshed map also includes cities of interest in Clark County plus a minimal road grid pattern.

It should be noted that Section 94 (Permitting And Dust Control For Construction Activities) applies to all of Clark County.

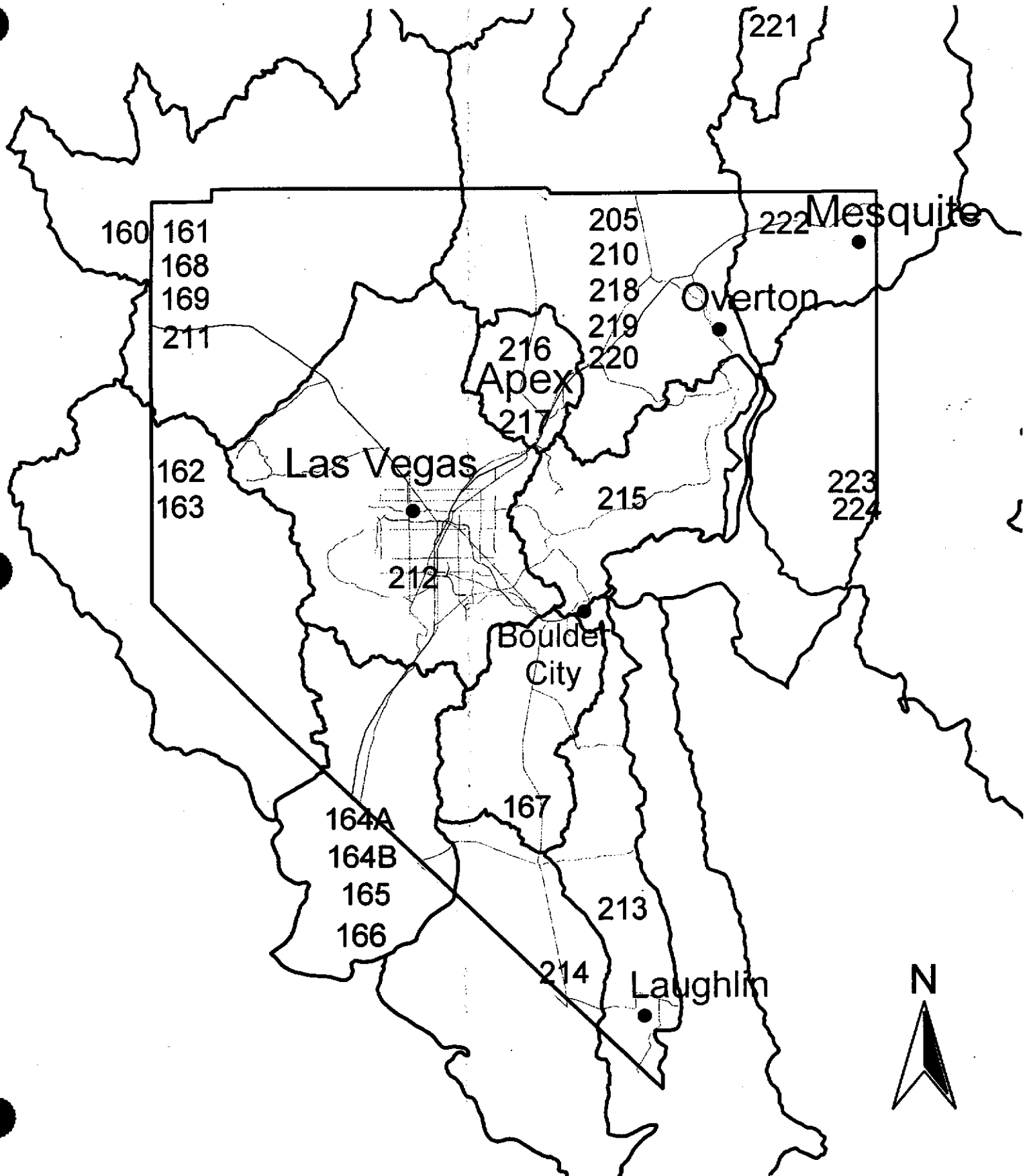
MAS/ck

Attachments

Clark County Hydrographic Basins



Clark County Airshed Regions





MEMORANDUM #13-00

TO: DISTRICT BOARD OF HEALTH

FR: Michael H. Naylor, *Director, Air Quality Division* *MHN*
David Rowles, *Administrative Services Director* *Rowles*
Donald S. Kwalick, M.D., *Chief Health Officer* *Dsk*

SJ: *Continued Public Hearing on Proposed Changes to Section 9 [Civil Penalties], and Proposed New Regulations, Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment] and Section 94 [Permitting and Dust Control for Construction Activity].*

DT: June 22, 2000

I. SUMMARY

Today's Public Hearing covers proposed amendments to the penalty section (Section 9) and two new proposed sections (93 and 94) which address paved roads and construction activity. Initial proposed amendments dated April 24 comprise Attachment I. As a result of input from several meetings with members of the community, recommended revisions to all sections have been compiled and are located as Attachment II (green paper) for action today. Staff recommends adoption of Section 9, 93, and 94 as revised today.

Proposed amendments or new language are intended to reduce emissions from some of the most important sources of PM₁₀ emissions in the valley. Adoption and implementation of proposed amendments or new sections will significantly contribute to reaching attainment of EPA's annual and 24-hour PM₁₀ standards.

II. DISCUSSION

Today's Public Hearing has been continued from the Board's meeting on May 25, 2000. Today's Hearing is considering the following proposals:

- M.N.* {
- Section 9 - Civil Penalties
 - Section 93 - Fugitive Dust from Paved Roads and Street Sweeping Equipment
 - Section 94 - Dust Control Permits for Construction Activities
 - Section 95 - Fugitive Dust Prevention, Control, and Mitigation for Construction Activities
 - Section 96 - Fugitive Dust Control Standards

Based on input from the community, staff has merged the contents of Sections 94, 95, and 96 into one proposed regulation, Section 94, entitled *Permitting and Dust Control for Construction Activity*.

1. Nonattainment Status

The District operates fourteen (14) PM₁₀ stations in the Valley. EPA establishes an annual standard of 50 $\mu\text{g}/3$ or less. One station, JD Smith, does not meet this annual standard. Its average PM₁₀ concentration for the last three years is 53 $\mu\text{g}/\text{M}^3$.

Five stations have third highest concentrations exceeding this level (see Figure 2 and Table 1).

Table 1

24-hour design values for the five stations not in attainment (see Figure 2)
1997 - 1999 data

Station	
24-hour standard set by EPA	150 $\mu\text{g}/\text{M}^3$
Craig Road (near I/15)	254 $\mu\text{g}/\text{M}^3$
East Flamingo (near Koval)	189 $\mu\text{g}/\text{M}^3$
Green Valley (Arroyo Grande, Sanchez)	281 $\mu\text{g}/\text{M}^3$
JD Smith (near Bruce and Owens)	218 $\mu\text{g}/\text{M}^3$
Pittman (near Boulder Highway and Water Street)	239 $\mu\text{g}/\text{M}^3$

Table 2 tracks changes in the design value for the last three years. The highest design value has dropped from 339 $\mu\text{g}/\text{M}^3$ to 281 $\mu\text{g}/\text{M}^3$.

Table 2

Changes in the 24-hour design values for recent overlapping three-year period

Station	1997-1999	1996-1998	1995-1997
Craig Road	254 $\mu\text{g}/\text{M}^3$	251 $\mu\text{g}/\text{M}^3$	318 $\mu\text{g}/\text{M}^3$
East Flamingo	189 $\mu\text{g}/\text{M}^3$	281 $\mu\text{g}/\text{M}^3$	165 $\mu\text{g}/\text{M}^3$
Green Valley	281 $\mu\text{g}/\text{M}^3$	296 $\mu\text{g}/\text{M}^3$	339 $\mu\text{g}/\text{M}^3$
JD Smith	218 $\mu\text{g}/\text{M}^3$	310 $\mu\text{g}/\text{M}^3$	310 $\mu\text{g}/\text{M}^3$
Pittman	239 $\mu\text{g}/\text{M}^3$	258 $\mu\text{g}/\text{M}^3$	258 $\mu\text{g}/\text{M}^3$

We believe improved compliance by permittees, due to stricter enforcement, has contributed to the decrease of 60 $\mu\text{g}/\text{M}^3$ (from 339 $\mu\text{g}/\text{M}^3$ to 281 $\mu\text{g}/\text{M}^3$) in the highest design value. Nevertheless, this value must drop another 131 $\mu\text{g}/\text{M}^3$ to demonstrate attainment. Today's proposals and other pending proposals must result in a substantial reduction of current emissions in order to reach acceptable PM₁₀ levels.

Most stations operated by the District are in attainment. Some hypothesize that concentrations of inhalable particulate at all stations will exceed the air quality standard because we are 'in the desert.' At the background stations in or near the valley the 'natural levels' on the days when the design value concentrations were measured ranged from 16 to 42 $\mu\text{g}/\text{M}^3$, levels well below the standard of 150 $\mu\text{g}/\text{M}^3$. It appears that man-made sources of emissions near the monitors contribute to the levels above the 'natural' levels.

Figure 1

CCHD Monitoring Stations

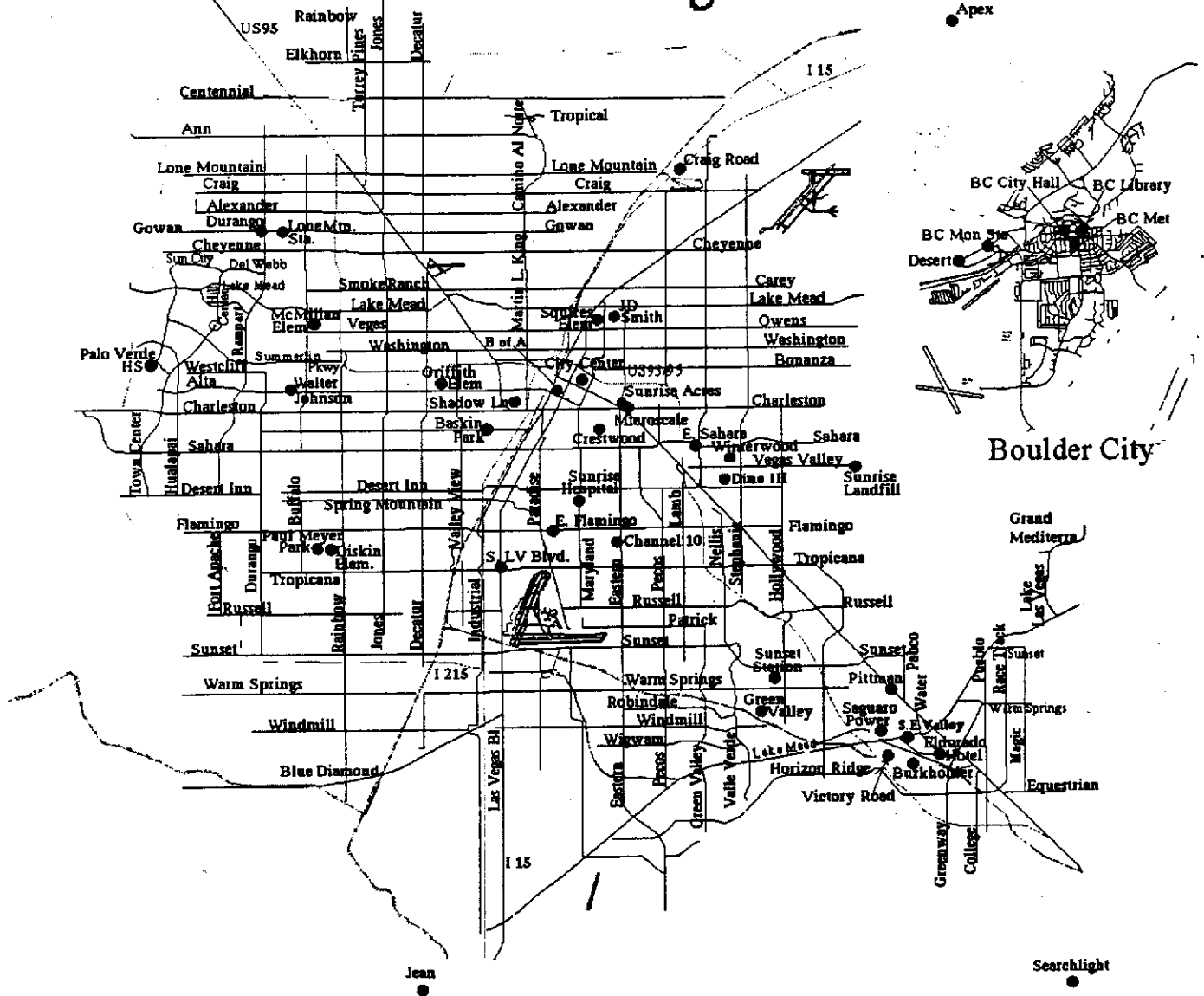
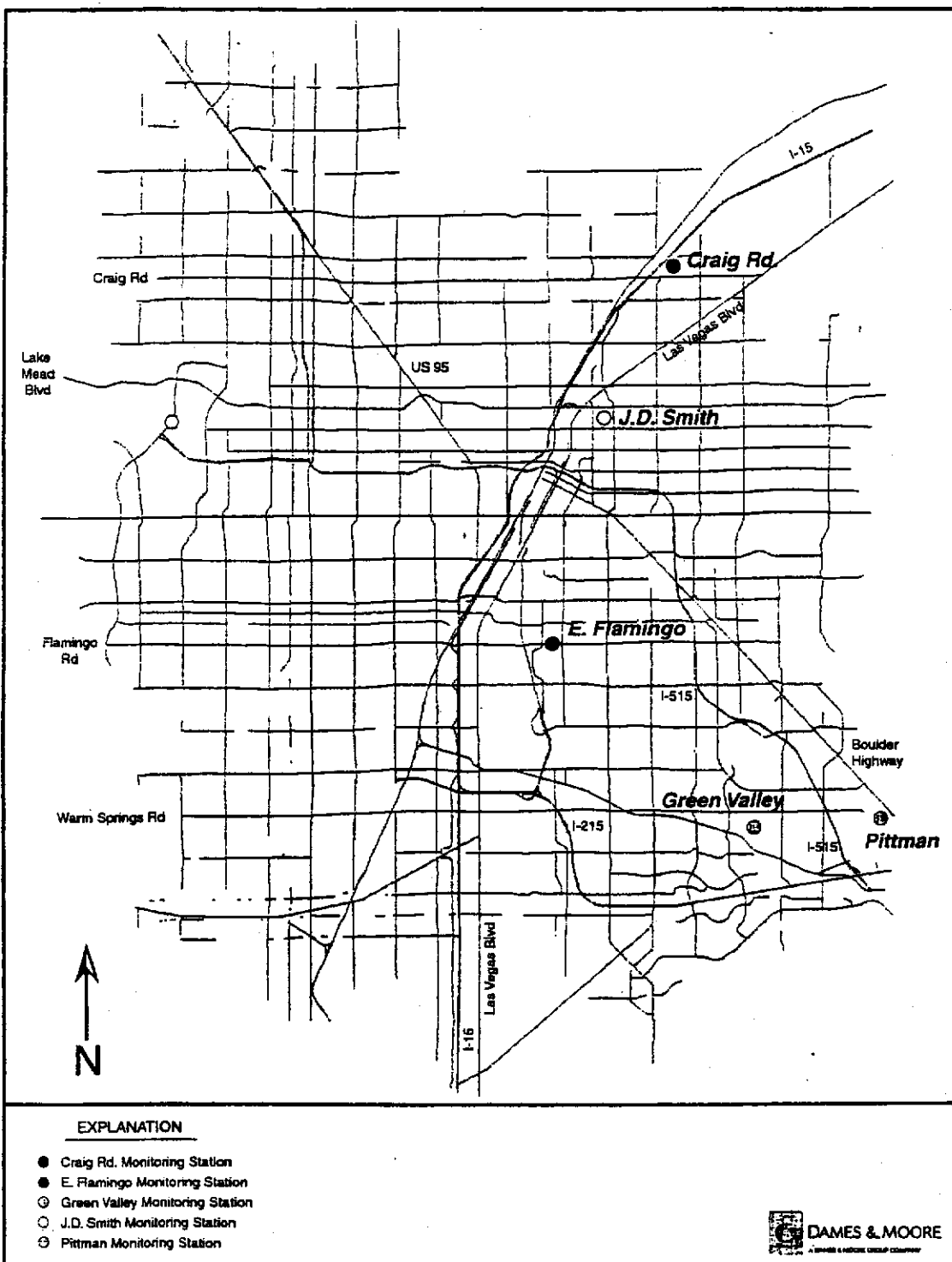


Figure 2
Locations of Five Stations Not in Attainment



2. Emissions Inventory

Based on emission inventory assessments by the Department of Comprehensive Planning, the aggregate of PM₁₀ emissions from the sources addressed by this memorandum significantly contribute to concentrations of PM₁₀ that exceed the daily and annual PM₁₀ air quality standards established by the EPA and the Board of Health. The "microinventory" approach compiles emissions in the 16 square kilometers (or about 6 square miles) that are centered around each of the five stations not in attainment of the 24-hour standard. The emissions are estimated on a day with a high wind event with gusts of over 40 miles per hour. The data was provided by the Department of Comprehensive Planning (prepared by their contractors, Dames & Moore and UNLV), and all estimates are subject to change as additional information is collected in the next few months.

Table 3

Relative contributions from different sources in proximity to the five stations not in attainment of the 24-hour standard on days with wind gust exceeding 40 miles per hour.

All percentages are rounded to nearest whole number.

Estimates have significant uncertainty and are subject to update.

Category	Craig	Flamingo	Green Valley	J.D. Smith	Pittman
Open areas/vacant land					
Unstable (including unofficial racetracks)	32%	22%	25%	34%	38%
Native desert (stable)	26%	1%	2%	2%	42%
Stabilized	2%	1%	0%	0%	1%
Unpaved roads and alleys	1%	0%	0%	0%	2%
Unpaved parking	2%	0%	0%	0%	3%
Paved roads (reentrainment of silt deposited from open areas, unpaved roads, unpaved parking, construction activity and unpaved shoulders)	19%	42%	10%	42%	9%
Construction					
Wind erosion	13%	30%	54%	19%	3%
Construction Activity (including trackout)	3%	3%	8%	2%	1%
Stationary sources	1%	0%	1%	0%	1%
Other areas		-		-	-
Mobile exhaust	0%	1%	0%	1%	0%
Total (some error due to rounding)	99%	100%	100%	100%	100%

3. Attainment Calculations

By comparing the design value concentrations in Table 1 to the air quality standard, it is apparent that significant reductions in PM₁₀ emissions are needed to reach attainment.

The Department of Comprehensive Planning has not yet calculated the overall reductions that can be obtained from cumulative reductions from each emission category. The magnitude of the overall reductions needs to match the reduction target at each of the five stations not in attainment.

A. Section 9 [Civil Penalties]

The minimum fugitive dust violation penalty at construction sites where the dust plume extends more than 100 yards and at stationary sources should be increased from \$1800 to \$2000. The proposed revisions limit penalties to specific parts of Section 94. Specific penalties for violations of Sections 90 and 93 are not being proposed today. Minimum penalties for open burning would be increased.

They are yellow sheet
B. Section 93 [Fugitive Dust from Paved Roads and Street Sweeping Equipment]

According to Table 3, paved road dust accounts for 9% (Pittman) to 42% (JD Smith) of microinventory PM₁₀ emissions on a high-wind day. This dust is caused by vehicles reentraining silt deposited on roadways.

By stabilizing unpaved disturbed shoulder surfaces, the silt content on the paved travel surface should be reduced by about 50%. According to a 1996 study for Maricopa Association Governments by Sierra Research, the silt content on paved roads with stabilized shoulders is about 42% of the silt content on roads with unstabilized shoulders.

The proposed regulation has several basic components

- 1) Starting Jan 1, 2001, all new roads and roads being modified or rebuilt will be required to include four feet of stabilized shoulders on each side.
- 2) Medians on paved roads will be required to be constructed with curbing, solidly paved, or stabilized according to the standard to prevent trackout. Medians exceeding 5,000 ft² must comply with Section 90.
- 3) Existing roads that are discovered to not meet the stabilization criteria will be required to be reconstructed to meet the stabilization criteria within 365 days of discovery by the Control Officer.
- 4) Starting in the year 2003, only street sweepers certified as low PM₁₀ emitters shall be purchased by the municipal public works agencies.

The language originally proposed is updated in the yellow section. The revised area has been indicated with a vertical line.

C. Section 94 [Dust Control Permit for Construction Activities]

This title has been updated to reflect the recommended combination of Sections 94, 95, and 96. In the proximity areas of the five stations not in attainment, construction emissions (including construction activity and wind erosion from construction sites) is estimated to contribute from 3% (Pittman) to 62% (Green Valley) of total daily emissions on days with high winds. Historically, concentrations exceeding the 24-hour PM₁₀ standard have been measured on high wind days. Furthermore, as Table 3 illustrates for the high wind days, most of the construction activity emissions are attributed to wind erosion.

In 1999, the District issued dust control permits for construction activity that covered 20,100 acres on approximately 1600 projects.

The main goal of Section 94 is to enhance the proactive enforcement of conditions to prevent wind blown dust. We estimate that the implementation of Section 94 will reduce windblown emissions from

construction activity by approximately 30% to 50%. The effective date for compliance is January 1, 2001.

The proposed rules expand the scope of operations representing construction activity, states that non-fulfillment of any condition of the permit is a violation of the section, requires a dust mitigation plan on projects exceeding 10 acres, and specifies control measures known as Best Management Practices. Subsections provide for maintaining dust control, shutting down during high winds, disturbed surface area management, stockpile management, material hauling, track-out prevention, haul roads, earthmoving operations, trenching, explosive blasting, record keeping, and other procedures. A subsection will update an existing rule for visible dust plumes that exceed 100 yards.

Some major new initiatives are:

- Several test methods are described with which the site operator must comply to demonstrate that there will not be loose soil that can become airborne during high winds.
- Utilization of a proposed "Section 94" Handbook, which codifies a Best Management Practices document separately from Regulation 94.
- A Dust Control Monitoring Person is required whenever 50 acres or more of actively disturbed soil at any given time on any permitted site. Qualifications: Two years experience in construction site preparation or earth work, successful completion of basic dust control class and successful of a dust monitor class. The dust monitor class will be comprised of 40 hours of class and field time.
- Incorporation of the costs of dust control into the contract stipulations for construction activity.
- All equipment operators are to receive dust control class training by January 2002. There are at least 8,000 such persons. In last 2 years, 4,000 people have attended dust school and received their dust school card.
- New emphasis on trackout prevention.
- Clarification of enforcement strategies.
- Suspension or Revocation of Permit
If three or more Corrective Action Orders or Notices of Violation are issued to a project for failure to comply with permit requirements of Section 94 or for failure to fully employ Best Available Control Measures as described by Section 94, the Control Officer may suspend or revoke the Dust Control Permit. Alternatively, the Control Officer may require all operators of earth moving or soil disturbing equipment to attend a remedial dust control class.
- Prohibiting a dust plume exceeding an opacity of 20%.

The Section 94 Handbook will contain the Best Management Practices (BMPs) for dust prevention and control for construction activities. The Handbook includes a method for determining the appropriate BMPs to apply particular construction projects based upon the Particulate Emission Potential (PEP) of the project soils, the types of construction activities to be performed, and the phasing of the project. BMPs in the Section 94 Handbook will be selected and incorporated directly into project-specific dust mitigation plans and Dust Control Permits, where they will be treated as enforceable Dust Control Permit conditions.

We do not have an estimate for the additional cost of complying with the new initiatives. The Associated General Contractors estimate that the cost for dust control class for equipment operators is \$1,700,000.

A surety bond will be required to cover cost of dust control in the event of 3 or more violations in 180 days.

Many of the concepts have already been in place, such as attendance at dust control classes. The rules should lead to better management of activities that have potential for dust creation which could increase cost of job site supervision.

There remain at least two areas of contention:

- a) Should equipment operators be required to attend dust control class?
- b) What should the minimum for a fugitive dust violation (100 yard rule) be?

Community Consultation

We held formal workshops on April 4, April 18, 2000, May 22 and June 12, 2000. We have had several meetings with industry groups. We are most appreciative of the helpful suggestions from members of the Associated General Contractors, Southern Nevada Homebuilders, National Associations of Industrial and Office Properties, the Southern Nevada Water Authority, Nevada Power Company, Nevada Department of Transportation and the staff of the Department of Comprehensive Planning.

Feedback From the EPA

We have had favorable feedback from EPA. The latest versions reflect most of their suggestions. Section 94 refers to Best Management Practices in the Section 94 handbook, which EPA has not yet received. EPA may seek additional changes.

Public Notice

The public notice for the hearing was published on Sunday April 23, in the Las Vegas Review Journal/Sun. Copies of the notice were mailed to our distribution list of construction activity permittees. The Agenda for the final workshop on June 12, 2000 was mailed to over 1500 persons (see Attachment III).

Attachments

- I. Proposed Regulation Amendments Sections 9, 93, 94, 95, and 96
- II. Recommended Revisions to Sections 9, 93, and 94
- III. Agenda for June 12, 2000 Workshop

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING *PSH/RS*
July 27, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV

NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

PRESENTATION: Teamster Award - Patricia Ringgenberg

RECOGNITION: Retirement - Ian Ross, District Legal Counsel

- I. **CONSENT AGENDA:** Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
1. **Approve Minutes/Board of Health Meeting - 06/22/00**
 2. **Approve Payroll/Overtime for Periods of: 05/13/00 - 05/26/00 & 05/27/00 - 06/09/00**
 3. **Approve Accounts Payable Register - #785: 05/22/00 - 06/01/00 & #786: 06/02/00 -06/16/00**
 4. **Petition #61-00** - Request that Clark County Health District to Continue to Act as Fiscal Manager for for the Nevada Partnership for Homeless Youth for One Additional Year
 5. **Petition #62-00** - Approval of Lease with Shadow Partners Limited Partnership for 4,414 Sq. Ft. of Office Space for Relocation of HIV/AIDS Case Management and Clinic Staff
 6. **Memorandum #18-00, Resolution #02-00** - Committing Health District Air Quality Division Resources for Implementation of New Regulations for Limiting Fugitive Dust (*Clark County Department of Comprehensive Planning Requested Item*)
 7. **Memorandum #19-00, Resolution #03-00** - Pertaining to Contingency Measures for the Particulate Matter (PM10) State Implementation Plan Committing to Adoption of Contingency Measures for Controlling PM10 Emissions in the Las Vegas Valley if Implementation of Current Board of Health Regulations Do Not Result In Sufficient Emission Reductions to Achieve Attainment of the PM10 Ambient Air Standards; (*Clark County Department of Comprehensive Planning Requested Item*)
 8. **Petition #63-00** -Request to Schedule a Public Hearing on September 28, 2000 on Sections: 12 (Preconstruction Review for New or Modified Stationary Sources) and 19 (Part 70 Operating Permits) of the Air Pollution Control Regulations to Address EPA Requirements for Analysis of Maximum Achievable Controls for Major Sources of Hazardous Air Pollutants
 9. **Petition #64-00** - Approval of Geographic Information System Interlocal Contract Between Clark County and Clark County Health District for \$10,000
 10. **Petition #65-00** - Authorization in Consideration of the Particulate Matter Emissions Control Research Advisory Committee's Recommendation of Participation Up to an Amount Not to Exceed \$35,000 for a Joint Public Agency Study on Water Quality Impacts from Surfaces Treated with Dust Suppressants and Soil Stabilizers

11. **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. **Memorandum #14-00**- Public Hearing to Consider a Variance Request From Clark County Fire Department Emergency Medical Services Regulations 900.500, Approval of Endorsement for Good Springs Ambulance Service
- b. **Variance Request** - To Install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System
Petitioner: Michael D. Degraw
- c. **Variance Request** - To Install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System
Petitioner: Douglas B. Rather, Jr.

II. **PUBLIC HEARING/ACTION**

1. **Memorandum # 17-00** - Public Hearing to Consider Approval of the Section 94(Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices for Construction Activity Dust Control

III. **REPORT/DISCUSSION/ACTION**

1. **Subcommittee Reports:**

- * **Legislative Lobbyist** (Members Colquitt, Crowley and Christensen)
- * **Air Pollution Control Hearing Board Membership** (Drs Hardy and Christensen)

2. **Memorandum # 20-00** - Consideration of the Possible Establishment of Policy for Telephonic Participation by a Member(s) at Regularly Scheduled Board of Health Meetings
3. **Memorandum # 21-00** - Consideration of Proposed Initiatives Regarding Air Quality Division Reorganization and the Status of a Proposed Interlocal Agreement Relating Thereto
4. **Memorandum # 22-00** - Consideration of an Application by Republic Silver State Disposal, Incorporated to Operate a Transfer Station in Sloan at the Intersection of Sloan Road and Arville Street
5. **Memorandum # 23-00** - Consideration of an Application by Republic Silver State Disposal, Incorporated to Operate a Transfer Station in Henderson on Cape Horn Drive

IV. **CITIZEN PARTICIPATION:** A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. 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, 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. Comments will be limited to **three minutes**. Please step up to the speaker's podium, clearly state your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board majority by vote. **All comments by speakers should be relevant to Board action and jurisdiction.**

V. **HEALTH OFFICER & STAFF REPORTS**

VI. **INFORMATIONAL ITEMS**

1. **Administration Division:**

- * **Financial Data** - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of May
- * **Title X Family Planning Services Advisory Council Minutes, 06/08/00**

2. Air Quality Division:

- * Monthly Report, June 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)
- * Update on Status of Fugitive Dust Rules: Section 90, 91 & 92
- * Letter from Nevada Division of Environmental Protection Regarding Recommended Designations for the Eight-Hour Ozone National Ambient Air Quality Standards, 06/30/00
- * Letter from Las Vegas Paving Corporation Regarding Application for Authority to Construct Application, Lone Mountain Facility, 06/21/00
- * Newspaper Article and Memorandum Indicating Appeals Court Upholds Ruling on Higher Oxygen Content Gasoline
- * Letter from Teamsters Local 631, Construction Industry Training Trust Expressing Thanks to Patricia Ringgenberg, Air Pollution Control Enforcement Officer II, for Conducting Dust Control Classes
- * Hearing Officer & Board Annotated Agenda and Minutes
- * Article from Growth Watch Relating to Environmental Monitoring for Public Access and Community Tracking (EMPACT) Program

3. Environmental Health Division:

- * Monthly Activity Report
- * Listing of Food Establishments in Plan Review for the Period of 06/01/2000 to 06/30/2000

4. Epidemiology:

- * Monthly Report

5. Nursing and Clinics Division:

Homeless Youth Coalition Minutes

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.

PROPOSED SUPPLEMENT TO AIR POLLUTION CONTROL REGULATIONS - SECTION 94 HANDBOOK

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, July 27, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona, and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94, having been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan of the Permits on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement

- (b) General Construction Project Activities (GEN)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring

- (c) Soil Particulate Emission Potential Determination Charts and Maps

- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land – Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic – Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading

- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Palliative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on July 27, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 25th day of June, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Michael H. Naylor, Director
Air Quality Division
Clark County Health District

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1297853

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 06/25/00 to 07/09/2000, on the following days: JUNE 25, JULY 2, 9, 2000

Signed:

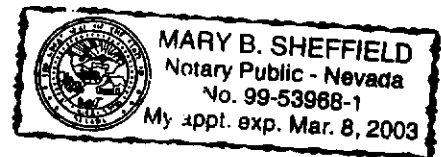
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of July 2000

Mary B. Sheffield
Notary Public

PLEASE SEE ATTACHED



**REGULATIONS SECTION 94
HANDBOOK**

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled Section 94 Handbook. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 9:00 a.m. on Thursday, July 6, 2000.

Clark County Health District
Clement Room, 528 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona, and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94 Handbook has been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to address dust prevention and control methods for construction sites. The Dust Control Handbook is part of the permit application and construction activity. The handbook is based on the Section 94 Handbook. The handbook is based on the determination of Particulate Emission Potential (PEP) of construction activities. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement
- (b) General Construction Project Activities (GEN)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring
- (c) Soil Particulate Emission Potential Determination Charts and Maps
- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land - Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic - Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading
- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Palliative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

MEMORANDUM #17-00

TO: DISTRICT BOARD OF HEALTH

FR: Michael H. Naylor, *Director, Air Quality Division* *MHN*
David Rowles, *Director, Administrative Services* *DR*
Donald S. Kwalick, M.D., *Chief Health Officer* *DK*

SJ: *Public Hearing On The Section 94 Handbook That Includes The Best Management Practices (BMPs) For Construction Activity Dust Control, Together With Supplemental Information On Dust Control Permit Applications, Signage, Mitigation Plans, and Additional Forms.*

DT: July 27, 2000

I. SUMMARY

A public hearing for approval of the Section 94 Handbook (Handbook) has been set for today. The attached proposed Handbook is comprised of 22 Construction Activities for which Best Management Practices (BMPs) have been identified. For each Construction Activity the Most Stringent Measures (MSMs) are required. The MSMs required stabilization of soil on construction sites and prevention of fugitive dust emissions. The construction activities dust control permit applicant will be allowed to choose which BMPs they will use to achieve MSMs. Additions to the Section 94 Handbook include the following items: (1) the dust control permit; (2) dust mitigation plans for over and under 10 acre parcels; and, (3) supplemental dust control permit forms that address the owner's designee for dust control permits, permit modifications, permit closure and dust palliative information submittal.

Three (3) stakeholder meetings and one public workshop on the Handbook were held and attended by representatives from the construction industry, public utilities, other governmental entities and private citizens. Comments on the Handbook were accepted through July 14, 2000.

Staff recommends that the Board of Health approve the Section 94 Handbook.

II. DISCUSSION

Section 94, which was developed to incorporate requirements for dust control permits and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Handbook has been prepared to present dust prevention and control methods for inclusion in dust control permits on a project-and construction activity-specific basis. The Handbook contains the method for determination of the particulate emission potential (PEP) of

construction project soils based on silt and optimum moisture contents. The soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on potential to emit particulates (dust). Once determined, the PEP soil type classification is used to identify appropriate dust prevention and control methods to be used for construction activities, and will be incorporated into the dust control permit mitigation plan as enforceable permit conditions.

Items not included within the Handbook, but incorporated within the Construction Activities Notebook include Attachment 3: Dust Suppressant/Palliative/Surfactant Information. Comments from the public workshop included concerns about certification, approval and liabilities of specific chemicals comprising the dust suppressants, palliatives and surfactants. Because this appears to be a cross-media issue, answers may need to be pursued on a state or federal level.

The following subsections list the current BMPs developed and approved for use in Clark County for dust mitigation for construction activities. The BMPs are organized alphabetically by construction activity and presented by soil type category. The requirements of each construction activity category must meet the MSMs for controlling fugitive dust; therefore, there must be no dust emissions. Under each construction activity there are choices for the best control measure(s).

At least one primary control measure and, if applicable, one contingency control measure must be identified in the dust control permit and dust mitigation plan for all construction activities. The control measures must address the soil type for the area in which the construction project is permitted. Should any primary control measure(s) prove ineffective, a contingency control measure must be implemented immediately.

The Section 94 Handbook contains the following elements:

- (a) Soil Particulate Emission Potential Determination Maps and Flow Chart
- (b) Specific Best Management Practices for Dust Control
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Soil and Rock)
 - 04: Clearing and Grubbing
 - 05: Clearing Forms
 - 06: Crushing
 - 07: Cut and Fill Operations
 - 08: Demolition (Implosion)
 - 09: Demolition (Mechanical/Hand)
 - 10: Disturbed Soil Between Structures
 - 11: Disturbed Land - Large Tracts
 - 12: Dust Suppressant, Dust Palliative and Surfactant Selection and Use
 - 13: Importing Soils
 - 14: Landscaping
 - 15: Paving/Subgrade Preparation

- 16: Screening
- 17: Staging Areas
- 18: Stockpiles
- 19: Trackout Prevention
- 20: Traffic - Construction Related
- 21: Trenching
- 22: Truck Loading

(c)

Appendices:

- Appendix A: Dust Control Permit
- Appendix B: Dust Control Permit Signage
- Appendix C: Dust Control Mitigation Plan
- Appendix D: Dust Control Permit Supplemental Forms

MINUTES

CLARK COUNTY HEALTH DISTRICT DISTRICT BOARD OF HEALTH MEETING

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:10 A.M.
Thursday, July 27, 2000

Chairman Brown called the meeting of the District Board of Health to order at 8:10 a.m. and the Pledge of Allegiance held. Chairman Brown 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:

Paula Brown	Chairman, North Las Vegas
Susan Crowley	Vice-Chairman, Henderson
Sherry Colquitt, RN	Appointee, Las Vegas
Jim Christensen, MD	Physician Member At-Large
Amanda Cyphers	Councilman, Henderson
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Mary Kincaid	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Alice Fessenden	Appointee, Mesquite
Erin Kenny	Commissioner, Clark County
Gary Reese	Councilman, Las Vegas

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Ian Ross, Esquire
Stephen Minagil, Esquire

Staff:

David Rowles; Michael Naylor; Clare Schmutz; Fran Courtney, RN; Ed Wojcik; Rose Bell, PhD; Karl Munninger; Mike Sword; Glenn Savage; Shane Martin; LaRue Scull; Harold Glasser; Mason McNinch; Femi Durosini; Art Bashor; Pat Ringgenberg; Cheryl McDonnell-Canan; Jennifer Sizemore; Forrest Hasselbauer; Leo Vega; Cyndy Mikes; recording secretaries, Diana Lindquist and Montana Garcia

APPROVED-BOARD OF HEALTH
DATE 8/24/2000

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Gary Milliken	Associated General Contractors
Jesse E. Paulk	Associated General Contractors
Devin Austin	Astoria Homes
Berlyn Miller	BM & A
Jack Norman	Bureau of Land Management
Phil Speight	City of Henderson
Dan Musgrove	City of Las Vegas
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Carrie MacDougall	Clark County (CC)
Will Cates	Comprehensive Planning
Russell A. Roberts	Comprehensive Planning
Steve McClintock	CC Fire Department
Matthew Burke	CC Public Works
Denise Monaco	CC School District - School Nurse
Megan Pierce	CC School District - School Nurse
Sean Ross	Del Webb
Jeff Davidson, M.D.	Emergency Medical Services Advisory Board
Alex Hart	Las Vegas Valley Water District / Southern Nevada Water Authority
Dick Serdoz	Nevada Division of Environmental Protection
Sandy Soltz	Nevada Partnership for Homeless Youth
Joanna Brooks	Nevada Power
Alan Gaddy	Republic Services of Southern Nevada
Jennifer Simich	Republic Services of Southern Nevada
Greg Walch	Republic Services of Southern Nevada
Lee Haney	Rogich Communications Group
Michael DeGraw	Self
Mary Shope	Self
Ed Lubbers	Southern Nevada Home Builders Association
Roy Thompson	Southern Nevada Home Builders Association

PRESENTATIONS:

Teamster Award – Patricia Ringgenberg

Chairman Brown presented the award to Patricia Ringgenberg from Teamster Local # 231 for sincere thanks and appreciation for presenting very professional dust control classes in their training program.

RETIREMENT: Ian Ross, District Legal Counsel

On behalf of the Board, Chairman Brown presented a clock and plaque to the District Legal Counsel, Ian Ross, in recognition of his outstanding legal acumen, tireless dedication in serving public health needs of Clark County residents and visitors since October 1988.

Ian Ross thanked the Board and added that the protection of public health is a tremendous challenge that the Clark County Health District meets every day. The Health District is an outstanding organization with the dedication and talent of both past and present Board of Health Members and Staff.

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 that Staff requested the *withdrawal* of ****Item #11 (c)** variance request to install an individual sewage disposal system (ISDS) on property within four hundred (400) feet of a public sewer line served by a public water system, Petitioner: Douglas Rather, Jr.

She opened the public hearing on variance requests, **#11 a and b** and asked if anyone wished to speak on the request as Staff was recommending approval through the consent agenda? There being no response she closed the public hearing on the variance requests.

Member Kincaid *moved to approve* the following consent agenda with the *withdrawal of Item #11 c*. Motion was *seconded* by Member Ravitch and carried unanimously.

1. **Approve Minutes/Board of Health Meeting** – 06/22/00
2. **Approve Payroll/Overtime for Periods of:** 05/13/00 – 05/26/00 & 05/27/00 – 06/09/00
3. **Approve Accounts Payable Register** - #785: 05/22/00 – 06/01/00; #786: 06/02/00 - 06/16/00
4. **Petition #61-00** - Request that Clark County Health District to Continue to Act as Fiscal Manager for the Nevada Partnership for Homeless Youth for One Additional Year

5. **Petition #62-00** - Approval of Lease with Shadow Partners Limited Partnership for 4,414 Sq. Ft. of Office Space for Relocation of HIV/AIDS Case Management and Clinic Staff
6. **Memorandum #18-00, Resolution #02-00** - Committing Health District Air Quality Division Resources for Implementation of New Regulations for Limiting Fugitive Dust (*Clark County Department of Comprehensive Planning Requested Item*)
7. **Memorandum #19-00, Resolution #03-00** - Pertaining to Contingency Measures for the Particulate Matter (PM10) State Implementation Plan Committing to Adoption of Contingency Measures for Controlling PM10 Emissions in the Las Vegas Valley if Implementation of Current Board of Health Regulations Do Not Result In Sufficient Emission Reductions to Achieve Attainment of the PM10 Ambient Air Standards; (*Clark County Department of Comprehensive Planning Requested Item*)
8. **Petition #63-00** - Request to Schedule a Public Hearing on September 28, 2000 on Sections: 12 (Preconstruction Review for New or Modified Stationary Sources) and 19 (Part 70 Operating Permits) of the Air Pollution Control Regulations to Address EPA Requirements for Analysis of Maximum Achievable Controls for Major Sources of Hazardous Air Pollutants
9. **Petition #64-00** - Approval of Geographic Information System Interlocal Contract Between Clark County and Clark County Health District for \$10,000
10. **Petition #65-00** - Authorization in Consideration of the Particulate Matter Emissions Control Research Advisory Committee's Recommendation of Participation Up to an Amount Not to Exceed \$35,000 for a Joint Public Agency Study on Water Quality Impacts from Surfaces Treated with Dust Suppressants and Soil Stabilizers
11. **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. **Memorandum #14-00**- Public Hearing to Consider a Variance Request From Clark County Fire Department Emergency Medical Services Regulations 900.500, Approval of Endorsement for Good Springs Ambulance Service
 - b. **Variance Request** - To Install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System **Petitioner:** Michael D. Degraw

- c. ~~**Variance Request** - To Install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System - Petitioner: Douglas B. Rather, Jr. *WITHDRAWN~~

II. PUBLIC HEARING/ACTION

1. **Memorandum # 17-00** - Public Hearing to Consider Approval of the Section 94 (Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices for Construction Activity Dust Control

Chairman Brown opened the public hearing.

Michael Naylor introduced Cheryl McDonnell, Air Quality Division (AQD) Enforcement Officer who has been the primary writer for the Section 94 handbook. The handbook originated from a project by the PM10 Emission Control Committee and their recommendation to the Board that they hire a consultant to prepare a best management practices (BMP) manual. Staff has converted that manual into a handbook. The handbook relates to the regulations for Section 94 for permitting and control of construction activity that were adopted at the June 22, 2000 Board of Health meeting. The handbook lays out a series of BMP that are designed to achieve the most stringent measures to limit construction emissions.

There has been a lot of input from the local community on the regulations. However, feedback from the Environmental Protection Agency (EPA) has just recently been received. He handed out an email from Karen Irwin of EPA indicating that there are some concerns with the structural makeup of the handbook.

The EPA agrees with the overall concepts of the book but there are more details of clarification that may be necessary. Staff is recommending that the Board take testimony and continue the public hearing until the August Board of Health meeting.

Cheryl McDonnell, Enforcement Officer, remarked that the BMP consists of 22 different construction control measures. They include everything in dealing with a construction site, from back filling, trenching, design, truck loading, etc. These regulations are unique in the country, as they have been based on soil type. To determine the BMP, the Las Vegas Valley has been divided into four (4) potential to emit areas: high, moderately high, moderately low and low. The Air Quality Division (AQD) is trying to make the BMP proactive in that the permittees will need to decide how they are going to prevent dust. The Associated General Contractors, Southern Nevada Home Builders and others in the industry are wishing to be proactive. For example, in the past AQD staff, determined how many water trucks or control measures were needed, however, that will not meet the needs of the State Implementation Plan. With the new BMP, the permittee will be able to pick the type of control measure they wish to use for preventing dust.

interview the candidates. Recommendations will be brought to the August Board of Health meeting.

*** Air Pollution Control Hearing Board Membership (Drs Hardy and Christensen)**

Dr. Hardy commented that interviews have been scheduled for August 3, 2000 for prospective candidates. Recommendations will be brought to the August Board of Health meeting.

2. Memorandum # 20-00 - Consideration of the Possible Establishment of Policy for Telephonic Participation by a Member(s) at Regularly Scheduled Board of Health Meetings

David Rowles remarked that Staff has researched the Nevada Revised Statutes (NRS), Nevada Administrative Codes (NAC) and State Attorney General's opinion on the matter described in the memorandum. Insofar as Staff has been able to determine, other member entities, which comprise the District Board, do not have a formal written policy regarding their individual Commission/Council member's telephonic participation in official public meetings. For instance, the Clark County Board of Commissioners has no formal written policy in this regard. They feel the current Attorney General direction is sufficient without any need to further adopt a specific formal policy.

Dr. Kwalick added that the purpose of a policy is to ensure the efficient operations of the Board on a continuing basis; and if a policy is approved, it should be retroactive to the June 2000 Board meeting.

Further discussion revealed that although telephonic participation is available at other local entity Commission or Council meetings and that the public officials have not abused it. Member Smith moved to approve telephonic participation and Member Kenny's votes from the June Board meeting. Motion was seconded by Member Hardy and carried unanimously.

3. Memorandum # 21-00 - Consideration of Proposed Initiatives Regarding Air Quality Division Reorganization and the Status of a Proposed Interlocal Agreement Relating Thereto

Dr. Kwalick introduced Philip Speight, Henderson City Manger, and chair of the Southern Nevada Regional Planning Coalition Technical Committee who updated the Board Members on the status of the interlocal agreement and the implementation plan for the agency that is being developed.

Brief discussion by the Board Members and Staff continued on the specific concerns that EPA had on the BMP, including blasting and water use. At this point it appears that there are not disagreements on the actual regulations but mainly the semantics need to be worked out. The BMP is a dynamic document and as revisions are developed they will be brought before the Board of Health for consideration perhaps every 6 months. The BMP will provide a handbook that permittees can take into the field to determine the right measure in particular situations. Another suggestion was blasting at earlier times. Blasting is a coordinated effort between AQD and the Fire Department. The Fire Department helps to determine the time frame for blasting (8 a.m. to 4:30 p.m.) to ensure all activities are during daylight hours. Generally, preparation for blasting begins at 5:30 a.m. by charging the holes, drilling and setting them and the actual blast is between 10 a.m. and 2 p.m. If anything goes over that time, the Health District and the Fire Department for that jurisdiction are notified. Further it was suggested that Staff look at other means of controlling dust besides water, as it may become prohibitive in the future.

Chairman Brown opened the public hearing and invited any member of public to speak on the proposed regulations.

Ed Lubbers, Esquire, on behalf of the Construction Industry Coalition, commented that they had been coordinating comments and handbook development with Staff. The Coalition has been supportive of a concept of a handbook. A handbook that ultimately can be reduced to a small size that can be placed in the glove compartment for the individuals in the field will be a workable solution. Further the Coalition is supportive of a handbook and the flexibility of any possible future revisions. However, one of the concerns is water use and the alternatives to water use. The EPA has not done any studies or testing the palliative or suppressant use. The Coalition supported the study for the use of palliatives and suppressants (approved by the Board on the Consent Agenda), as there is a concern about the long term effects. There will not be much palliative use until the industry can determine the long-term liability. He expressed concern about continuing the public hearing to August without being able to get a handbook in the field for their members.

Chairman Brown asked for any additional testimony? There was no response. Member Smith moved to continue the public hearing to the August Board of Health meeting. Motion was seconded by Member Colquitt and carried unanimously.

III. REPORT/DISCUSSION/ACTION

1. Subcommittee Reports:

- * **Legislative Lobbyist** (Members Colquitt, Crowley and Christensen)

Member Colquitt commented that a meeting is scheduled for August 10, 2000 to

Philip Speight reported that the various local government entities in the Las Vegas Valley have adopted resolutions setting forth the parameters for this interlocal agreement. City Managers from the various entities in cooperation with Dr. Kwalick, and Jacob Snow from the Regional Transportation Commission have been working on developing the agreement. One of the things that is of concern is to assure that those that being regulated, and those that are doing the regulating, are conforming to the NRS to ensure that there are no problems as the new agency is developed. There are no preconceived notions as to the locating or housing of this agency or how any of the executive staffs are going to be developed. Additionally, there is cooperation with the other affected agencies in an effort to ensure that none of the programs that the District Board of Health is working on are in jeopardy from the stand point of grants that are currently in force or as they relate to the SIPs and monitoring program.

On Monday, July 10, this proposed agency was presented to the Legislative Commission's SB432 Subcommittee on Air Quality programs. One of the questions posed by the Subcommittee was how the State could or should participate in the various agreements. At present there has not been an opportunity at either the Technical or Staff Committees to discuss any relationships between the entities, the Health District, Clark County Comprehensive Planning or the State Agencies and what roles they should play.

In the meantime, the Coalition will continue to collaboratively work on the implementation program in an effort to come to a resolution on how best to establish and develop the new program. The SB432 committee will meet on August 7, 2000 and Coalition representatives will be present to provide an update on the status. Senator Porter had requested a plan from local officials over a 60-day period, which ends the first part of August.

Discussion followed concerning ultimate responsibility for the SIP and air quality resting with the State. Also, some legislators were concerned about the absence of representatives from the State in the proposed makeup of the governing board. One of the reasons cited by the Legislative Subcommittee for State presence was the threat of sanctions of highway construction dollars and federal funding being in jeopardy on a statewide level if one of the other regional jurisdictions is not in compliance. Primarily the board should be made up of local officials who would be familiar with all the nuances of the problems. However, it was suggested that if the State were going to have a legislator on the board it should be someone from Southern Nevada. Local legislators would be more aggressive as most of the federal funds are in the Southern part of the State. There are still a lot of details to be worked out on the interlocal agreement. Ultimately, the Board of Health and County Commission would have interlocal agreements with any new agency.

Member Cyphers moved to direct Staff to continue working with the Technical Committee of the Regional Planning Coalition and to place a resolution on the August

Board of Health agenda indicating the Board's support of the measures that are being taken by the Coalition and entities as a whole. Motion was seconded by Member Smith and carried unanimously.

The Board Members added that a funding source should be identified for the new Board and Agency.

4. Memorandum # 22-00 - Consideration of an Application by Republic Silver State Disposal, Incorporated to Operate a Transfer Station in Sloan at the Intersection of Sloan Road and Arville Street

Ed Wojcik, Environmental Health Engineer, stated that the application is to operate a transfer station in Sloan, at 4455 Sloan Road, unincorporated Clark County. The application has been submitted by Republic Services of Southern Nevada (RSSN). During the October 28, 1999 Board of Health meeting, the Board approved an application to construct a transfer station at that facility. As a follow up, RSSN submitted an application on July 14, 2000 seeking approval to operate. Staff completed the review on July 18, 2000.

Glenn Savage briefly outlined Staff's review of the application. Several inspections of the facility have been conducted. The individual sewage disposal system installation (ISDS), scales, building drainage, tipping floor, etc., have been overseen. Staff recommended the Board approve the transfer station application with the following permit conditions being met prior to operation:

- 1) Clark County Business License Approval Letter;
- 2) Evidence of Clark County Building Department Certificate of Occupancy, (a temporary certificate of occupancy has been provided)
- 3) Posting of signs as mentioned in Section 2 of the CCHD letter, dated July 17, 2000;
- 4) Installation of elevated platforms for waste screening at the guard shack, as mentioned in Subsection 6(4) of Appendix F of the CCHD letter, dated July 17, 2000;
- 5) Wastewater be prevented from entering the stormwater drains located at both ends of the transfer station tunnel, and
- 6) Wastewater be prevented from being discharged off-site.

Ian Ross, Board Legal Counsel asked Mr. Greg Walsh, Legal Counsel for RSSN whether he agreed with the conditions. Mr. Walsh stated that RSSN agreed with the conditions proposed by Staff.

Member Kincaid moved for approval of the application with the conditions outlined by Staff. The motion was seconded by Member Smith and carried unanimously.

5. **Memorandum # 23-00** - Consideration of an Application by Republic Silver State Disposal, Incorporated to Operate a Transfer Station in Henderson on Cape Horn Drive

Ed Wojcik, Environmental Health Engineer, Stated that the application is to operate a transfer station in Henderson at 540, 560 and 560A Cape Horn Drive on behalf of Republic Services of Southern Nevada (RSSN). During the October 28, 1999 Board of Health meeting, the Board approved an application to construct a transfer station at that facility. RSSN submitted an application on July 14, 2000; and subsequently, Staff completed the review of the application on July 18, 2000.

Glenn Savage briefly summarized the review process. Several inspections of the facility have been conducted. The Henderson facility is about 70% completed. The ISDS installation, scales, building drainage, tipping floor, etc., have been overseen. Staff recommended the Board approve the transfer station application with the following permit conditions being met prior to operation:

- 1) Evidence of City of Henderson Building Department Certificate of Occupancy;
- 2) Evidence of a final Wastewater Discharge permit from the City of Henderson;
- 3) Posting of signs as mentioned in Section 2 of the CCHD letter, dated July 17, 2000;
- 4) Installation of elevated platforms for waste screening at the guard shacks, as mentioned in Subsection 6(4) of Appendix F of the CCHD letter, dated July 17, 2000;
- 5) Wastewater be prevented from entering the storm water drains located at both ends of the transfer station tunnel, and
- 6) Wastewater be prevented from being discharged off-site.

Chairman Brown asked Mr. Greg Walsh, Legal Counsel for RSSN, if RSSN agreed with the conditions. Mr. Walsh stated that they agreed to the conditions proposed by staff.

Member Cyphers *moved for approval* of the application with the conditions noted by Staff. The motion was *seconded* by Member Crowley and carried unanimously.

Greg Walsh, representing RSSN, commented that the transfer stations are part of the effort to ensure more efficient customer service. Also, they will provide significant impact on the community because trucks will not be driving around at dark in the wintertime. There will be stations for the trucks to park in at night, which will decrease the amount of truck miles and emission. Staff has set the bar for the transfer stations exceptionally high. He commended the Environmental Health staff for their efforts.

IV. CITIZEN PARTICIPATION:

Chairman Brown explained that 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, 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. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly State your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, the Chairman, or the Board majority will do this by vote. All comments by speakers should be relevant to Board action and jurisdiction.

Mary Shope, Boulder City resident, asked that the Board review and continue to improve the process of the data collection and communication of air quality. Also, review the process of the Construx Sand and Gravel permit and operation in the Eldorado Valley and have a public hearing on the lack of information, communication, permit, compliance and enforcement on that site. Ms. Shope passed around pictures of the Construx site in the Eldorado Valley and chronologically reviewed the status of the site. Ms. Shope commended the Environmental Health Divisions notification of the status of applications and inclusion of the public through the workshop process and asked that the Air Quality Division have the same standard. She suggested that AQD be directed to agendize and have public hearings on this type of stationary sources.

The Board Members thanked Ms. Shope for her concern and expressed assurances that the Board will be moving air quality issues in a direction that will be better for the entire community.

V. HEALTH OFFICER & STAFF REPORTS

Dr Kwalick commented that there were several reports from Staff:

A. North Las Vegas Clinic Closure – Alice Costello, RN

Alice Costello, RN, Stated that on July 5, 2000 the District took steps to close the North Las Vegas Public Health Center, which has been operational for over 15 years. It was not an easy decision as it met a great need in the particular community. However, the facility had to be closed because of structural problems with the roof and irreparable damage to the air conditioning unit. This made it difficult to ensure the quality of the medications and laboratory supplies as well as staff and patient comfort. Steps have been taken to ensure continued service for that community. The phone lines have been kept open at that location and there are messages that go out in both English and Spanish to the community. The greatest number of services provided in that center was immunizations. The District was able to partner with Nevada Rural Health Centers, North Las Vegas Family Health Center and the Community Resource Center to offer immunizations between July 17th and September 8th at no charge. Staff has updated

their skills and placed the center on the registry in order to capture the information about immunization levels. Individuals who had appointments or needed follow-up were contacted and rescheduled in other clinics throughout the community. Staff continues to inform the community to make sure they are aware of where services can be accessed.

B. Environmental Health Activities: Proposed Fee Scheduled Changes & Farmers' Market - Ed Wojcik & Glen Savage

Ed Wojcik explained the process of increasing the current permit fees, Staff has outreached to representative businesses, associations and public entities to determine if the proposed fees would impact them. As a result, there have been a number of written responses were received and some changes have been made accordingly. Staff is preparing to conduct public workshops, which will be advertised and begin August 16, 2000. There will be 11 workshops running through September 8, 2000.

Glenn Savage commented that there have been three (3) meetings to discuss the Farmers' Market with the representatives from Boulder City, Henderson, City of Las Vegas and the Farmers' Market community. Staff is in the process of collaboratively developing regulations with the affected community. Staff will keep the Board apprized.

C. Air Quality Division Activities: "Clunker Car" Program, EPA Update on Regulations & Construx - Michael Naylor

Michael Naylor explained that the Subsidized Vehicle Repair Program was set up to provide financial assistance to repair vehicles that fail the smog check. A contractor to the County Commission administers this program. The Clark County Health District obtained the funding from the Department of Motor Vehicles and the funds are passed through to the County Commission who has hired the contractor. Initially participants in the program needed to be classified as low income with a 2-year residency and to make a co pay of \$100. There was limited participation. The co pay was reduced to \$25 and the residency was reduced to a year. There was also an increase in efforts to publicize the program. As a result, in the last 6 months there has been a significant increase in participation and the quota of repairing 1100 vehicles will be reached. It is a cost effective program. The cost of repairs is approximately \$500 per ton, which means \$500 is spent to remove one ton of air pollution. This type of cost is less than virtually all the other air pollution programs running such as oxygenated gasoline, inspection maintenance and the cleaner burning gasoline programs which cost more than \$500 a ton. At this point, there are no plans to continue the program. It was funded by a \$900,000 grant from the DMV. A final report should be ready by approximately October.

Staff is in receipt of a letter from EPA dated June 29th commenting on all the regulations that were passed last month, which were updates to the definitions, penalties, vacant lots, unpaved roads, unpaved parking lots, road shoulders, street sweeping equipment and construction activity. EPA is endorsing the rules for the vacant lots and unpaved parking lots. However, EPA has identified some concerns they have with the rules for the unpaved roads, stabilizing road shoulders and construction activity. Therefore, Comprehensive Planning and AQD staffs have had additional conference calls with EPA to go over their concerns. At this point there has not been a consensus but we anticipate resolving the concerns within the next month or so. It is anticipated that the revisions will be brought back to the Board at a public hearing in October

Michael Naylor explained that the Construx facility in the Eldorado Valley has emissions below that which requires public notice. Most of the stationary source facilities that are permitted do not go through a public notice process. If they do go through a public notice there is the option for a public hearing that is meant to facilitate dialogue between Staff, citizens and the applicant. The Board of Health does not take action on the proposed approvals as the regulations provide for public hearings if the size is high enough. Staff handles approximately 50 stationary source permits a month and over 100 construction sites are permitted a month. The process has been working well. Attempts have been made to meet with Ms. Shope to discuss concerns about Construx. The site has been scrutinized for several weeks. Staff has noticed one of Construx neighbors having some emission problems. An information report on the chronology of actions at the Construx site will be on the next agenda. The Board directed that emissions on neighboring stationary sources of emissions be included.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Administration Division:

- * Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of May
- * Title X Family Planning Services Advisory Council Minutes, 06/08/00

2. Air Quality Division:

- * Monthly Report, June 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)
- * Update on Status of Fugitive Dust Rules: Section 90, 91 & 92
- * Letter from Nevada Division of Environmental Protection Regarding Recommended Designations for the Eight-Hour Ozone National Ambient Air Quality Standards, 06/30/00
- * Letter from Las Vegas Paving Corporation Regarding Application for Authority to Construct Application, Lone Mountain Facility, 06/21/00

- * Newspaper Article and Memorandum Indicating Appeals Court Upholds Ruling on Higher Oxygen Content Gasoline
- * Letter from Teamsters Local 631, Construction Industry Training Trust Expressing Thanks to Patricia Ringgenberg, Air Pollution Control Enforcement Officer II, for Conducting Dust Control Classes
- * Hearing Officer & Board Annotated Agenda and Minutes
- * Article from Growth Watch Relating to Environmental Monitoring for Public Access and Community Tracking (EMPACT) Program

3. Environmental Health Division:

- * Monthly Activity Report
- * Listing of Food Establishments in Plan Review for the Period of 06/01/2000 to 06/30/2000

4. Epidemiology:

- * Monthly Report

5. Nursing and Clinics Division:

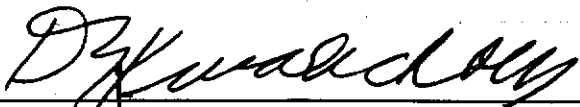
Homeless Youth Coalition Minutes

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 10:10 a.m.

SUBMITTED FOR BOARD APPROVAL



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

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1297853

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 06/25/00 to 07/09/2000, on the following days: JUNE 25, JULY 2, 9, 2000

Signed:

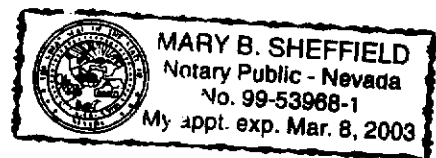
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of July 2000

Mary B. Sheffield
Notary Public

PLEASE SEE ATTACHED



SECTION 94 HANDBOOK
NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled "Section 94 Handbook". This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 9:00 a.m. on Thursday, July 27, 2000.

Clark County Health District
Claymen Rosen, 525 Shadow Lane
Las Vegas, Nevada 89103

DISCUSSION

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed Supplement Section 94 Handbook expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94, having been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to present dust prevention and control methods for construction sites.

The Dust Control Handbook Part of the basis of a project and construction activity is the basis of a Section 94 Handbook. The Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction sites. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement
- (b) General Construction Project Activities (GEO)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring
- (c) Soil Particulate Emission Potential Determination Charts and Maps
- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land - Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic - Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading
- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Palliative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed

**PROPOSED SUPPLEMENT TO AIR POLLUTION CONTROL
REGULATIONS - SECTION 94 HANDBOOK**

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, July 27, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona, and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94, having been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan of the Permits on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement

- (b) General Construction Project Activities (GEN)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring

- (c) Soil Particulate Emission Potential Determination Charts and Maps

- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land – Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic – Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading

- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Pallative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on July 27, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 25th day of June, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Michael H. Naylor, Director
Air Quality Division
Clark County Health District

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1297853

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 06/25/00 to 07/09/2000, on the following days: JUNE 25, JULY 2, 9, 2000

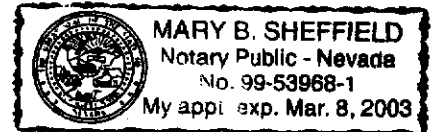
Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of July 2000

Mary B. Sheffield
Notary Public

PLEASE SEE ATTACHED



**PROPOSED SUPPLEMENT TO AIR
POLLUTION CONTROL
REGULATIONS - SECTION 94
HANDBOOK**

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, July 27, 2000, at:

**Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106**

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona, and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94, having been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan of the Permits on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement
- (b) General Construction Project Activities (GEN)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring
- (c) Soil Particulate Emission Potential Determination Charts and Maps
- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land - Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic - Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading
- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Palliative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

**Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103**

PUBLIC COMMENTING:

**PROPOSED SUPPLEMENT TO AIR POLLUTION CONTROL
REGULATIONS - SECTION 94 HANDBOOK**

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, July 27, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs were originally developed for Maricopa County, Arizona, and have been adapted for soil types and construction practices specific to the Clark County area.

Section 94, having been developed to incorporate requirements for Dust Control Permits (Permits) and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan of the Permits on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control methods to be used for construction activities and to be incorporated into the Permits as enforceable permit conditions. For some construction activities, there are several choices regarding prevention and control practices; for other activities there are several prevention and control practices required.

The Section 94 Handbook includes supplemental guidelines and requirements regarding use of dust suppressants, dust palliatives, and surfactants. These guidelines reflect the need to select and use dust suppressants, palliatives, and surfactants in a manner most compatible with all practical and environmental concerns. Of particular concern in the development of these guidelines was the protection of water quality.

The Section 94 Handbook includes the following elements:

- (a) Dust Control Permit Requirements (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Sign
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure
 - 06: Permit Renewal
 - 07: Permit Enforcement

- (b) General Construction Project Activities (GEN)
 - 01: Project Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring

- (c) Soil Particulate Emission Potential Determination Charts and Maps

- (d) Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Implosive Demolition)
 - 04: Blasting (Soil and Rock)
 - 05: Clearing and Grubbing
 - 06: Clearing Forms
 - 07: Crushing
 - 08: Cut and Fill Operations
 - 09: Disturbed Soil Between Structures
 - 10: Disturbed Land – Large Tracts
 - 11: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 12: Importing Soils
 - 13: Landscaping
 - 14: Paving/Subgrade Preparation
 - 15: Screening
 - 16: Staging Areas
 - 17: Stockpiles
 - 18: Trackout Prevention
 - 19: Traffic – Construction Related
 - 20: Trenching (Excavator/Backhoe)
 - 21: Trenching (Trencher)
 - 22: Truck Loading

- (e) Appendices
 - A. Current Applicable Dust Control Regulations
 - B. Current Dust Control Permit Application
 - C. Dust Suppressant, Pallative, and Surfactant Information

Staff will hold several workshops with the public and representatives of the construction industry during the month of July, 2000. The first public workshop is scheduled for 9:00 a.m., Thursday, July 6, 2000, at:

Orleans Hotel & Casino
Convention Area, 2nd Floor
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on July 27, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 25th day of June, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Michael H. Naylor, Director
Air Quality Division
Clark County Health District

AMENDMENTS TO PROPOSED SECTION 94 HANDBOOK
Section II. PUBLIC HEARING/ACTION: 1. Memorandum #25-00
August 24, 2000

Deletions are shown as ~~strike-through~~; additions are underlined.

Note: Please note that the following errata are revisions that provide clarification to the August 24, 2000 Proposed Section 94 Handbook. These minor adjustments have been made since the printing of the Proposed Section 94 Handbook and are intended to be included in the final Board-approved version.

1. Page v. Acronyms/Definitions

Stable, and **Stabilized** – Stationary soils are considered stable or stabilized when they are in compliance with the standard set forth per Regulation Section 90.4. Soils that are being actively handled or disturbed by construction related activity or off-road construction traffic and vehicle parking areas are considered stable or stabilized when they are in compliance with the opacity and plume limitations set forth per Regulation Section 94.5.3.1. Unpaved haul roads are considered stable or stabilized when they are in compliance with standards set forth per Regulation Section 91.2.1.4. Test methods for stability are expected to be used when necessary, but are not ~~expected~~ required to be used utilized continuously during active construction activity.

Staging area – Any portion of a construction project used for storing materials, parking vehicles, and equipment; may be a separate area from the main construction project area.

Tackifier – A substance used mixed with water that ~~holds~~ binds together mulches ~~and other dust palliatives and to bind small particles,~~ small particles, or other dust palliatives without forming a hard crust. Many dust palliatives ~~are used as tackifiers, although in a more dilute concentration, can be used as tackifiers than would be used when applied separately.~~

2. Page 38. BMP: TRAFFIC – CONSTRUCTION RELATED CST20

BMP: TRAFFIC – CONSTRUCTION RELATED

CST 20

Traffic - Construction Related

REQUIREMENTS

- Stabilize all off-road traffic and parking areas.
- Stabilize all haul routes.

AMENDMENTS TO PROPOSED SECTION 94 HANDBOOK
Section II. PUBLIC HEARING/ACTION: 1. Memorandum #25-00
August 24, 2000

Deletions are shown as ~~strike-through~~; additions are underlined.

CONTROL MEASURES FOR ALL SOIL TYPES

- 20-5 Apply gravel to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-7 Apply recycled asphalt (or other suitable material) to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-8 Apply water to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-9 Apply a dust palliative (designed for vehicle traffic) to off-road traffic and parking areas and maintain in a stabilized condition.

#68
Rm's PN to Change

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
August 24, 2000 - 8:00 A.M.

DJC

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV

NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE
CALL TO ORDER

- I. **CONSENT AGENDA:** Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
 - 1. **Approve Minutes/Board of Health Meeting - 07/27/00**
 - 2. **Approve Payroll/Overtime for Periods of:** 06/10/00 - 06/23/00, 06/24/00-07/07/00; 07/08/00-07/21/00
 - 3. **Approve Accounts Payable Register - #787:** 06/19/00 - 07/07/00; **#788:** 07/10/00 -07/21/00; **#788B:** 07/24/00 - 07/27/00
 - 4. **Petition #66-00** - Request to Schedule a Public Hearing on October 26, 2000 for Proposed Increase in Environmental Health Permit and Plan Review Fees. Environmental Health fees are used to help offset departmental costs in providing regulatory services and other program needs for community health protection.
 - 5. **Petition #67-00** - Housekeeping Changes to the Classification Specifications for Administrative Manager Positions Under the Supervision Received Section. No Salary Changes Recommended
 - 6. **Petition #68-00** - Request to Schedule a Public Hearing on September 28, 2000 to Consider Revisions for Sections 9 (Penalties) and 94 (Permitting and Dust Control for Construction Activities)
 - 7. **Memorandum # 26-00 - Resolution #04-00**, Support of the Continuing Deliberations of the Southern Nevada Regional Planning Coalition, its Technical Committee, and its Member Entities in Reorganizing the Air Quality Activities in Clark County
 - 8. **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** - for the Continued Use of an Individual Sewage Disposal System (ISDS) Serving Two (2) Separate Structures (Buildings) on Property Served by a Community Water Supply
Petitioner: Stephen Swisher

CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH
AGENDA
AUGUST 24, 2000

II. PUBLIC HEARING/ACTION

- 1. **Memorandum #25-00** - Public Hearing: Review and Possible Adoption of Regulations Governing Section 94 (Permitting and Dust Control for Construction Activities) Handbook Including the Best Management Practices (BMPs) for Construction Activity Dust Control, Together with Supplemental Information on Dust Control Permit Applications, Signage, Mitigation Plans, and Additional Forms (*Continuation from July 27, 2000*)

2. **Memorandum #27-00** - Public Hearing: Review and Possible Adoption of Regulations Governing the Sanitation of Farmers' Markets and Satellite Food Establishments at Farmers' Markets Request for Continuance to October 26, 2000

III. REPORT/DISCUSSION/ACTION

1. Subcommittee Reports:

- * Legislative Lobbyist *Possible Appointment* (Members Colquitt, Crowley and Christensen)
- * Air Pollution Control Hearing Board Membership *Possible Appointment* (Drs Hardy and Christensen)

2. Management and Organization Study of the Air Quality Division

- (Member Cyphers Requested Item)

IV. CITIZEN PARTICIPATION: A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. 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, 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. Comments will be limited to three minutes. Please step up to the speaker's podium, clearly state your name and address and please spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board majority by vote. All comments by speakers should be relevant to Board action and jurisdiction.

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. Administration Division:

- * Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of June

2. Air Quality Division:

- * Construction Activities: Construx and Neighboring Stationary Sources
- * Letter from Streich Lang Regarding Telephonic Status Conference of Western States Petroleum Association
- * Monthly Report, July 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)
- * Particulate Matter Emissions Control Research Advisory Committee 08/11/00
- * Letter from Dennis Davis Resigning from the Air Pollution Control Hearing Board and the Particulate Matter Emissions Control Research Advisory Committee 08/11/00

3. Environmental Health Division:

- * Monthly Activity Report
- * Listing of Food Establishments in Plan Review for the Period of 07/01/2000 to 07/31/2000

4. Epidemiology:

- * Monthly Report

5. Nursing and Clinics Division:

- * Homeless Youth Coalition Minutes

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; AND, 6) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-385-1291 • FAX 702-384-5342

MEMORANDUM #25-00

TO: DISTRICT BOARD OF HEALTH

FR: Mike Sword, *Acting Director, Air Quality Division*
David Rowles, *Director, Administrative Services*
Donald S. Kwalick, M.D., *Chief Health Officer*

SJ: *Continuation of Public Hearing On The Section 94 Handbook That Includes The Best Management Practices (BMPs) For Construction Activity Dust Control, Together With Supplemental Information On Dust Control Permit Applications, Mitigation Plans, Signage, and Additional Forms.*

DT: August 24, 2000

APPROVED-BOARD OF HEALTH
DATE *8/24/00 only*

I. SUMMARY

The public hearing for consideration of the Section 94 Handbook (Handbook) was opened on July 27, per Memorandum #17-00, and continued to today. The continuation was necessary to allow revisions requested by the Region IX office of the Environmental Protection Agency to be incorporated into the Handbook. The revisions provide clarifying verbiage to the Best Management Practices (BMPs) requirements, but do not substantially or significantly change their intent.

The attached proposed Handbook is comprised of 22 Construction Activities for which BMPs have been identified. For each Construction Activity the Most Stringent Measures (MSMs) are required. The MSMs require stabilization of soil on construction sites and prevention of fugitive dust emissions, which provides continuity with the Section 94 Regulation. The construction activities dust control permit applicant will be allowed to choose which BMPs they will use to achieve MSMs. Additions to the Section 94 Handbook include the following items: (1) the dust control permit application; (2) dust control permit mitigation plan for parcels less than or equal to 10 acres; (3) dust control mitigation plan for parcels over 10 acres; and (4) supplemental dust control permit forms that address the owner's designee for dust control permits, blasting activities, demolition activities, permit modifications, permit closures, and dust palliative information submittals.

Four stakeholder meetings and two public workshops on the Handbook were held and attended by representatives from the construction industry, public utilities, other governmental entities and interested citizens.

Staff recommends that the Board of Health approve the Section 94 Handbook.

II. DISCUSSION

Section 94, which was developed to incorporate requirements for dust control permits and fugitive dust prevention and control on construction sites, specifically refers to the Section 94 Handbook. The Handbook has been prepared to present dust prevention and control methods for inclusion in dust control permits on a project-and construction activity-specific basis. The Handbook contains the method for determination of the particulate emission potential (PEP) of construction project soils based on silt and optimum moisture contents. The soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on potential to emit particulates (dust). Once determined, the PEP soil type classification is used to identify appropriate dust prevention and control methods to be used for construction activities, and will be incorporated into the dust control permit mitigation plan as enforceable permit conditions.

Items not included within the Handbook, but incorporated within the Construction Activities Notebook include Attachment 1: Regulations Pertaining to Construction Activity Dust Control; Attachment 2: AQD Dust Suppressant/Palliative/Surfactant Guidelines; and (3) California Air Resources Board (CARB) - Approved Abrasives Information. Comments from the public workshops included concerns about certification, approval and liabilities of specific chemicals comprising the dust suppressants, palliatives and surfactants. Because this appears to be a cross-media issue, answers may need to be pursued on a state or federal level.

The following subsections list the current BMPs developed and approved for use in Clark County for dust mitigation for construction activities. The BMPs are organized alphabetically by construction activity and presented by soil type category. The requirements of each construction activity category must meet the MSMs for controlling fugitive dust; therefore, there must be no dust emissions. Under each construction activity there are choices for the best control measure(s).

At least one primary control measure and, if applicable, one contingency control measure must be identified in the dust control permit and dust mitigation plan for all construction activities. The control measures must address the soil type for the area in which the construction project is permitted. Should any primary control measure(s) prove ineffective, a contingency control measure must be implemented immediately.

The Section 94 Handbook is attached.

HAND OUT

AMENDMENTS TO PROPOSED SECTION 94 HANDBOOK
Section II. PUBLIC HEARING/ACTION: Memorandum #25-00
August 24, 2000

Deletions are shown as ~~strike-through~~; additions are underlined.

Note: Please note that the following errata are revisions that provide clarification to the August 24, 2000 Proposed Section 94 Handbook. These minor adjustments have been made since the printing of the Proposed Section 94 Handbook and are intended to be included in the final Board-approved version.

1. Page v. Acronyms/Definitions

Stable, and Stabilized – Stationary soils are considered stable or stabilized when they are in compliance with the standard set forth per Regulation Section 90.4. Soils that are being actively handled or disturbed by construction related activity or off-road construction traffic and vehicle parking areas are considered stable or stabilized when they are in compliance with the opacity and plume limitations set forth per Regulation Section 94.5.3.1. Unpaved haul roads are considered stable or stabilized when they are in compliance with standards set forth per Regulation Section 91.2.1.4. Test methods for stability are expected to be used when necessary, but are not ~~expected~~ required to be used utilized continuously during active construction activity.

Staging area – Any portion of a construction project used for storing materials, parking vehicles, and equipment; may be a separate area from the main construction project area.

Tackifier – A substance used mixed with water that ~~holds~~ binds together mulches ~~and other dust palliatives and to bind small particles, small particles, or other dust palliatives~~ without forming a hard crust. Many dust palliatives are used as tackifiers, although in a more dilute concentration, can be used as tackifiers ~~than would be used when applied separately.~~

2. Page 38. BMP: TRAFFIC – CONSTRUCTION RELATED CST20

BMP: TRAFFIC – CONSTRUCTION RELATED

CST 20

Traffic - Construction Related

REQUIREMENTS

- Stabilize all off-road traffic and parking areas.
- Stabilize all haul routes.

Handout

AMENDMENTS TO PROPOSED SECTION 94 HANDBOOK
Section II. PUBLIC HEARING/ACTION: 1. Memorandum #25-00
August 24, 2000

Deletions are shown as ~~strike-through~~; additions are underlined.

CONTROL MEASURES FOR ALL SOIL TYPES

- 20-5 Apply gravel to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-7 Apply recycled asphalt (or other suitable material) to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-8 Apply water to off-road traffic and parking areas and maintain in a stabilized condition.
- 20-9 Apply a dust palliative (designed for vehicle traffic) to off-road traffic and parking areas and maintain in a stabilized condition.



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

PROPOSED SUPPLEMENT TO AIR POLLUTION CONTROL REGULATIONS - SECTION 94 HANDBOOK

NOTICE is hereby given that the Clark County District Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled *Section 94 Handbook*. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, August 24, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs have been adapted for soil types and construction practices specific to the Clark County area.

The Construction Activities Notebook provides guidelines for obtaining a Dust Control permit and Control Requirements for General Construction Activities. The Section 94 Handbook portion of the Construction Activities Notebook for dust control measures is included by reference into Section 94 of the AQD Regulations. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control measures to be used for construction activities and incorporated into the Permits as enforceable permit conditions.

The Control Requirements of each construction activity category to be conducted on the project site must be met through implementation of Control Measures. Within most construction activity categories there are choices of the control measure(s) to be selected from to meet the Control Measures requirements.

The Construction Activity Notebook includes the following four (4) elements:

- (1) DUST CONTROL PERMIT REQUIREMENTS (DCP)
 - 01: Permit Application Instructions
 - 02: Dust Control Class
 - 03: Dust Control Permit Signage
 - 04: Dust Control Permit Modifications
 - 05: Permit Closure/Renewal
 - 06: Permit Enforcement Compliance

- (2) GENERAL CONSTRUCTION PROJECT ACTIVITIES (GEN)
 - 01: Phasing
 - 02: Record Keeping
 - 03: Weather Monitoring

- (3) PROPOSED SECTION 94 HANDBOOK
 - a. Soil Particulate Emission Potential Determination Charts and Maps

 - b. Construction Best Management Practices for Dust Control (CST)
 - 01: Backfilling
 - 02: Blasting (Abrasive)
 - 03: Blasting (Soil and Rock)
 - 04: Clearing and Grubbing
 - 05: Clearing Forms
 - 06: Crushing
 - 07: Cut and Fill
 - 08: Demolition – Implosion
 - 09: Demolition – Mechanical/Hand
 - 10: Disturbed Soil
 - 11: Disturbed Land – Large Tracts
 - 12: Dust Suppressant, Palliative, and Surfactant Selection and Use
 - 13: Importing Soil, Rock, and Other Bulk Materials
 - 14: Landscaping
 - 15: Paving/Subgrade Preparation
 - 16: Screening
 - 17: Staging Areas
 - 18: Stockpiles
 - 19: Track-out Prevention
 - 20: Traffic – Construction Related
 - 21: Trenching
 - 22: Truck Loading

 - c. Appendices
 - A. Dust Control Permit Application
 - B. Dust Control Permit Signage
 - C. Dust Control Mitigation Plans
 - D. Dust Control Permit Supplemental Forms

(4) ATTACHMENTS

- A. Regulations Pertaining to Construction Activity Dust Control
- B. AQDD Dust Suppressant, Palliative, and Surfactant Guidelines
- C. California Air Board Resources (CARB)-Approved Abrasives Information

Staff has held several previous meetings and workshops with the public and representatives of the construction industry. The final public workshop is scheduled for 9:00 a.m., Tuesday, August 14, 2000, at:

Orleans Hotel & Casino
2nd Floor, Convention Area
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on August 24, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 6th day of August, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Michael H. Naylor, Director
Air Quality Division
Clark County Health District

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1371066

3851291CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/13/00 to 08/13/2000, on the following days: AUGUST 13, 2000

Signed: LaToyce Warren

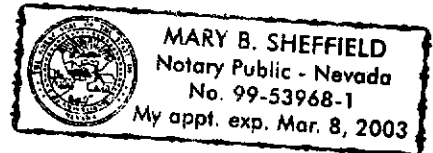
SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of August 2000

Mary B. Sheffield

Notary Public

PLEASE SEE ATTACHED



**PROPOSED SUPPLEMENT
TO AIR POLLUTION CONTROL
REGULATIONS - SECTION 94 HANDBOOK**

NOTICE is hereby given that the Clark County District Board of Health (Board) is considering adoption of a supplement to proposed Air Pollution Control Regulation Section 94 entitled Section 94 Handbook. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at approximately 8:00 a.m., on Thursday, August 24, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION

The Las Vegas Valley was designated as a serious non-attainment area for particulate matter less than 10 microns in aerodynamic diameter (PM₁₀). The Clean Air Act requires a State Implementation Plan (SIP) to provide a timely attainment. The proposed supplement, Section 94 Handbook, expands the scope of operations representing construction activities by implementing Best Management Practices (BMPs) to reduce PM₁₀. The BMPs have been adapted for soil types and construction practices specific to the Clark County area.

The Construction Activities Notebook provides guidelines for obtaining a Dust Control permit and Control Requirements for General Construction Activities. The Section 94 Handbook portion of the Construction Activities Notebook for dust control measures is included by reference into Section 94 of the AQD Regulations. The Section 94 Handbook has been prepared to present dust prevention and control methods for inclusion in the Dust Control Mitigation Plan on a project- and construction activity-specific basis. The Section 94 Handbook includes methods for determination of Particulate Emission Potential (PEP) of construction project soils. Soil types are classified into five categories (high, moderately high, moderately low, low, and slight) based on their potential to emit particulates (dust). Once determined, the PEP classification is used to determine the appropriate prevention and control measures to be used for construction activities and incorporated into the Permits as enforceable permit conditions.

The Control Requirements of each construction activity category to be conducted on the project site must be met through implementation of Control Measures. Within most construction activity categories there are choices of the control measure(s) to be selected from to meet the Control Measures requirements.

The Construction Activity Notebook includes the following four (4) elements:

(1) DUST CONTROL PERMIT REQUIREMENTS (DCP)

- 01: Permit Application Instructions
- 02: Dust Control Class
- 03: Dust Control Permit Signage
- 04: Dust Control Permit Modifications
- 05: Permit Closure/Renewal
- 06: Permit Enforcement Compliance

(2) GENERAL CONSTRUCTION PROJECT ACTIVITIES (GEN)

- 01: Phasing
- 02: Record Keeping
- 03: Weather Monitoring

(3) PROPOSED SECTION 94 HANDBOOK

a. Soil Particulate Emission Potential Determination Charts and Maps

b. Construction Best Management Practices for Dust Control (CST)

- 01: Backfilling
- 02: Blasting (Abrasive)
- 03: Blasting (Soil and Rock)
- 04: Clearing and Grubbing
- 05: Clearing Forms
- 06: Crushing
- 07: Cut and Fill
- 08: Demolition - Implosion
- 09: Demolition - Mechanical/Hand
- 10: Disturbed Soil
- 11: Disturbed Land - Large Tracts
- 12: Dust Suppressant, Palliative, and Surfactant Selection and Use
- 13: Importing Soil, Rock, and Other Bulk Materials
- 14: Landscaping
- 15: Paving/Subgrade Preparation
- 16: Screening
- 17: Staging Areas
- 18: Stockpiles
- 19: Track-out Prevention
- 20: Traffic - Construction Related
- 21: Trenching
- 22: Truck Loading

c. Appendices

- c. Appendices
 - A. Dust Control Permit Application
 - B. Dust Control Permit Signage
 - C. Dust Control Mitigation Plans
 - D. Dust Control Permit Supplemental Forms

(4) ATTACHMENTS

- A. Regulations Pertaining to Construction Activity Dust Control
- B. AQDD Dust Suppressant, Palliative, and Surfactant Guidelines
- C. California Air Board Resources (CARB)-Approved Abrasives Information

Staff has held several previous meetings and workshops with the public and representatives of the construction industry. The final public workshop has been rescheduled from 9:00 a.m., Monday, August 14, 2000, to 9:00 a.m., Wednesday, August 16, 2000 at:

The Orleans Hotel & Casino
2nd Floor, Convention Area
4500 West Tropicana Avenue
Las Vegas, Nevada 89103

PUBLIC COMMENTING

It is the intent of the Board to accept testimony on all aspects of the proposed Section 94 Handbook (Handbook). Persons supporting the proposed Handbook, as well as persons opposed to the proposed Handbook, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on August 24, 2000.

Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION

The Proposed Section 94 Handbook is available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 13th day of August, 2000
Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer

Mike Sword, Acting Director
Air Quality Division
Clark County Health District
PUB: August 13, 2000 Las Vegas Review-Journal

Health District

We're in Your Neighborhood

MINUTES

CLARK COUNTY HEALTH DISTRICT DISTRICT BOARD OF HEALTH MEETING

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, August 24, 2000

The meeting of the District Board of Health was called to order at 8 a.m. by Chairman Brown and the Pledge of Allegiance held. Chairman Brown 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:

Paula Brown	Chairman, North Las Vegas
Susan Crowley	Vice-Chairman, Henderson
Jim Christensen, MD	Physician Member At-Large
Amanda Cyphers	Councilman, Henderson
Alice Fessenden	Appointee, Mesquite
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Erin Kenny	Commissioner, Clark County
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilwoman, North Las Vegas (telephonically)

Absent:

Sherry Colquitt, RN	Appointee, Las Vegas
Mary Kincaid	Commissioner, Clark County

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Stephen Minagil, Esquire

APPROVED-BOARD OF HEALTH
DATE 9/28/00 mlg

Staff:

David Rowles; Michael Naylor; Clare Schmutz; Fran Courtney, RN; Ed Wojcik; Rose Bell, PhD; Karl Munniger; Mike Sword; Glenn Savage; Shane Martin; LaRue Scull; Harold Glasser; Mason McNinch; Femi Durosinmi; Art Bashor; Pat Ringgenberg; Cheryl McDonnell-Canan; Jennifer Sizemore; Forrest Hasselbauer; Leo Vega; Cyndy Mikes; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Gary Milliken	Associated General Contractors
Jesse E. Paulk	Associated General Contractors
Devin Austin	Astoria Homes
Berlyn Miller	BM & A
Jack Norman	Bureau of Land Management
Phil Speight	City of Henderson
Dan Musgrove	City of Las Vegas
Lori Wohletz	City of Las Vegas
Leslie Long	City of North Las Vegas
Carrie MacDougall	Clark County
Will Cates	Clark County Comprehensive Planning
Russell A. Roberts	Clark County Comprehensive Planning
Steve McClintock	Clark County Fire Department
Matthew Burke	Clark County Public Works
Denise Monaco	Clark County School District - School Nurse
Megan Pierce	Clark County School District - School Nurse
Sean Ross	Del Webb
Jeff Davidson, M.D.	Emergency Medical Services Advisory Board
Alex Hart	Las Vegas Valley Water District / Southern Nevada Water Authority
Dick Serdoz	Nevada Division of Environmental Protection
Sandy Soltz	Nevada Partnership for Homeless Youth
Joanna Brooks	Nevada Power
Alan Gaddy	Republic Services of Southern Nevada
Jennifer Simich	Republic Services of Southern Nevada
Greg Walsh	Republic Services of Southern Nevada
Lee Haney	Rogich Communications Group
Michael DeGraw	Self
Mary Shope	Self
Ed Lubbers	Southern Nevada Home Builders Association
Roy Thompson	Southern Nevada Home Builders 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 Brown opened the public hearing on variance request, #8 (a) and asked if anyone wished to speak on the request as Staff was recommending approval through the consent agenda? There being no response she closed the public hearing on the variance requests.

Member Reese moved to approve the following consent agenda. Motion was seconded by Member Crowley and carried unanimously.

1. **Approve Minutes/Board of Health Meeting** – 07/27/00
2. **Approve Payroll/Overtime for Periods of:** 06/10/00 – 06/23/00; 06/24/00 – 07/07/00; 07/08/00 – 07/21/00
3. **Approve Accounts Payable Register** - #787: 06/19/00 – 07/07/00; #788: 07/10/00 – 07/21/00; #788B: 07/24/00 – 07/27/00
4. **Petition #66-00** - Request to Schedule a Public Hearing on October 26, 2000 for Proposed Increase in Environmental Health Permit and plan Review Fees. Environmental Health Fees are used to help offset departmental costs in providing regulatory services and other program needs for community health protection.
5. **Petition #67-00** – Housekeeping Changes to the Classification Specifications for Administrative Manager Positions Under the Supervision Received Section. No Salary Changes Recommended.
6. **Petition #68-00** – Request to Schedule a Public Hearing on September 28, 2000 To Consider Revisions for Sections 9 (Penalties) and 94 (Permitting and Dust Control for Construction Activities)
7. **Memorandum #26-00, Resolution #04-00** - Support of the continuing Deliberations of the Southern Nevada Regional Planning Coalition, its Technical Committee, and its Member Entities in Reorganizing the Air Quality Activities in Clark County.
8. **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** - for the Continued Use of an Individual Sewage Disposal System (ISDS) Serving Two (2) Separate Structures (Buildings) on Property Served by a Community Water Supply
Petitioner: Stephen Swisher

(Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices (BMPs) for Construction Activity Dust Control, Together with Supplemental Information on Dust Control Permit Applications, Signage, Mitigation Plans, and Additional Forms. Motion was seconded by Member Crowley and carried unanimously.

2. **Memorandum #27-00 - Public Hearing:** Review and Possible Adoption of Regulations Governing the Sanitation of Farmers' Markets and Satellite Food Establishments at Farmer's Markets Request for Continuance to October 26, 2000.

Clare Schmutz remarked that during the June Board of Health meeting the Board approved the date of August 24th to hold a public hearing on the Farmer's Market regulations. Staff has had several meetings drafting the regulations with the organizers of the Farmer's Markets, representatives from the Cities of Las Vegas, Henderson, Boulder City and the Nevada Department of Agriculture. On July 11, 2000, during the regulations review meeting, Farmer's Markets representatives submitted a letter requesting that the public hearing be continued until October 26, 2000 because of harvest time and they wanted more time to review the regulations. Staff recommended the continuance as requested.

Chairman Brown opened the public hearing and asked if anyone wished to speak on the item. There being no response, she closed the public hearing.

Member Kenny moved to follow staff's recommendation and continue the public hearing. Motion was seconded by Member Reese and carried unanimously.

III. REPORT/DISCUSSION/ACTION

1. Subcommittee Reports:

- **Legislative Lobbyist *Possible Appointment*** (Members Colquitt, Crowley and Christensen)

Member Crowley remarked that the committee met and after consideration of the experience, track record and resources that each candidate was able to direct toward the Health District needs, the committee recommended the company of Faiss Foley Merica to be contracted to provide lobbying services to the Board and staff. She moved to direct staff to develop a cost effective contract with Faiss Foley Merica to start as soon as practicable for a 6-month period and renewable on a month-to-month basis. Member Ravitch seconded the motion. Discussion followed by the Board, Staff and Legal Counsel pertaining to the committee's review of the various aspects of the lobbyist experience base on health issues, work ability with the legislature, cost comparison and whether the contract should be 6 months or 1 year since it would not

II. PUBLIC HEARING/ACTION

1. Memorandum # 25-00 - Public Hearing: Review and Possible Adoption of Regulations Governing Section 94 (Permitting and Dust Control for Construction Activities) Handbook Including Best Management Practices (BMPs) for Construction Activity Dust Control, Together with Supplemental Information on Dust Control Permit Applications, Signage, Mitigation Plans, and Additional Forms (*Continuation from July 27, 2000*)

Chairman Brown opened the public hearing.

Mike Sword, Acting Air Pollution Control Director, explained that the public hearing was a continuation from the July meeting. Section 94 handbook is the last of several regulations amendments that are related to improving and implementing particulate matter (PM10) controls for the valley so that the PM10 State Implementation Plan (SIP) can meet EPA requirements. The Section 94 Handbook is the compilation of best management controls for construction activities at construction sites. The BMP implements the most stringent measures of controls for each of the various types of activities at construction sites. Several stakeholder meetings and two publicly noticed workshops have been held.

Cheryl McDonnell-Canan, Enforcement Officer, briefly reviewed some of the changes in the proposed regulations. As a result of the meetings with stakeholders, EPA and the workshops, clarifications in language were made so that one measure will describe one thing. For example, staff had been putting dust palliatives or water in one section. However, in the proposed handbook each one is listed separately. One of the most significant changes was that the requirements in the Section 94 Handbook were written to specifically parallel Section 94 regulations. The construction activity notebook also includes the handbook and information on dust control permits, general construction practices, attachments on dust palliatives, the different regulations and abrasive blasting. The control measures that need to be updated or which is not Board of Health approved will be reviewed on an ongoing basis.

Member Crowley on behalf of the Board Members encouraged Staff to bring back any modifications as often as needed. As industry continues to find better and more effective ways of controlling dust, especially without water, it will be important to incorporate them in the regulations.

Ed Lubbers on behalf of the Construction Industry Coalition stated that they were satisfied with the notebook and handbook, which will be beneficial for working out in the field. The Coalition has been supportive of a concept of a handbook and encouraged the Board Members to adopt the regulations.

Chairman Brown asked for additional testimony? There being no further comment, Member Reese moved for adoption of Memorandum- #25-00, for Section 94

be feasible to negotiate the contract during the legislative season. Member Crowley modified the motion to include a 12-month period with a yearly renewal option. Member Ravitch, as the second, agreed. The motion was carried unanimously.

- **Air Pollution Control (APC) Hearing Board Membership Possible Appointment** (Drs Hardy and Christensen)

Dr. Hardy stated that on August 3, 2000, the committee conducted the interviews for two Alternate Citizen and one Attorney member seats for the APC Hearing Board. The prospective candidates were all very interested in air quality. However, the committee submitted the names of Marianne Adams and Joseph Chenin as alternate citizen members and Richard Pocker as attorney member. He moved to approve the recommended candidates. Motion was seconded by Member Reese and carried unanimously.

Chairman Brown thanked these individuals for volunteering their time to serve in their respective seats on the Hearing Board.

3. Management and Organization Study of the Air Quality Division (Member Cyphers Requested Item)

Member Cyphers explained that she had requested a management and organizational study of the air quality division. Approximately a year ago this idea was mentioned but no particular division was pin pointed. Management and organizational studies are very informative and allow the opportunity for governmental groups to justify the structure, organizations and positions that are needed.

The City of Henderson has performed a management study on each of its departments. Through those studies the city has seen how to streamline practices, policies and cross-training aspects. Surveys are conducted and research other communities that mirror the city to compare how they are performing. Possibly in the future the study should be expanded to the other aspects. This was requested for the air quality division because there has been a lot of movement in the legislature, Regional Planning Coalition or entities. This is an opportune time to ensure that the organizational aspect is put in place to determine where the direction is needed for the future. This idea came from the chairman of the Regional Planning Coalition Technical Committee as something that could benefit and aide in the future determination of the air quality agency. The study is not a "witch-hunt" but a way to determine that the organization is running in an effective and efficient manner.

Discussion ensued by the Board as to whether a study was needed and that it may be a premature move since the entities are working together with the Regional Planning Coalition (RPC) and would be a duplication of efforts. Also, the study perhaps would not allow the flexibility or challenge for a new director and should be performed through

the RPC. It was suggested that the Clark County Department of Comprehensive Planning be included in the study. Also, the Board should be proactive and move forward by researching the scope of work, determining the cost and resources that are available in the community.

At this time, Member Hardy moved to develop a request for proposal (RFP) for a management/organization study of the District's Air Quality Division. Member Crowley seconded the motion.

After lengthy discussion of the pros and cons of the proposed study, Member Hardy amended the motion to include the appointment of a Board Committee to develop the scope of work/specifications of the RFP with Staff's input and bring back to the whole Board in September for discussion/approval. Member Crowley seconded the amendment. The motion carried 6 to 4 with the following roll call vote:

Member Christensen	Aye	Member Ravitch	Nay
Member Smith	Nay	Member Reese	Aye
Member Brown	Aye	Member Hardy	Aye
Member Crowley	Aye	Member Cyphers	Aye
Member Kenny	Nay	Member Fessenden	Nay

Chairman Brown appointed a Board Committee of herself, Dr. Hardy and Member Cyphers.

Brief discussion followed by Members Fessenden, Kenny and Staff on the status and possible use of the smog check monies. Staff will keep the Board Members informed.

V. HEALTH OFFICER & STAFF REPORTS

- A. Dr. Kwalick, Chief Health Officer,** informed the Board that flu vaccine availability might be limited this year. There has been trouble in producing this year's vaccine. The District may not get any vaccine until late October. Therefore some immunization clinics that we have scheduled will not occur this year. When the vaccine is received it will be given to the highest risk clients.

Dr. Christensen added that since the peak season for flu is from November to March, the client could still receive peak immunity, which occurs within 8 weeks after administration of the vaccine.

Brief discussion followed pertaining to a new vaccine that is being developed for ear infections, Prevnor. At the present time, it has not been approved at the federal level and there are no funds to get this vaccine. The vaccine is very expensive will cost approximately \$60 per dose.

- B. Laurie Hickstein, RN, Tuberculosis (TB) Coordinator,** gave a brief overview of the Tuberculosis in Clark County. To date there have been 61 cases of active TB. In July, nine (9) cases were reported. This includes two (2) active cases in children who were exposed to relatives. For the month of August there have been seven (7) cases reported, two of the cases have HIV. Staff is seeing a rise in the number of patients that are diabetic presenting with active TB. Currently, staff is actively pursuing prophylactic or preventive treatment of TB. There are approximately 500 patients receiving preventive treatment. Therefore, these clients are receiving medications on a monthly basis. Staff is anticipating increasing the amount of patients receiving prophylactic treatment.

Meetings have been held with practitioners and providers to the HIV population to initiate daily-observed prophylactic therapy for the HIV patient. Therefore, a HIV patient who has a positive skin test would be receiving medication twice weekly to prevent them from developing TB. HIV patients are at the highest risk for developing TB. Staff continues to do contact testing. Recently, staff tested approximately 1600 high school students. There has been an increase in the number of cases from last year. There appears to be a direct correlation when an individual later in life develops an immune compromising illness and the TB becoming active.

- C.** Chairman Brown commented that she had attended the grand opening of the Women Infant and Children's Clinic in the Vons on West Owens. There are approximately 900 families that are utilizing that program. She added that Member Ravitch has been involved with the Homeless Youth Coalition for several years. Likewise, Member Colquitt has been a member of the Family Planning Advisory Board for a number of years. She commended the Board of Health Members for their activities in community health matters.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Administration Division:

- Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of June

2. Air Quality Division:

- Construction Activities: Construx and Neighboring Stationary Sources
- Letter from Streich Lang Regarding Telephonic Status Conference of Western States Petroleum Association
- Monthly Report, July 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)

- Particulate Matter Emissions Control Research Advisory Committee 08/11/00
- Letter from Dennis Davis Resigning from the Air Pollution Control Hearing Board and the Particulate Matter Emissions Control Research Advisory Committee 08/11/00

3. Environmental Health Division:

- Monthly Activity Report
- Listing of Food Establishments in Plan Review for the Period of 07/01/2000 to 07/31/2000

4. Epidemiology:

- Monthly Report

5. Nursing and Clinics Division:

- Homeless Youth Coalition Minutes

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 10:10 a.m.

SUBMITTED FOR BOARD APPROVAL



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

DJK

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
September 28, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV

NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Presentation: Dennis Davis, Air Quality Hearing Board

- I. **CONSENT AGENDA**: Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

1. **Approve Minutes/Board of Health Meeting - 08/24/00**
2. **Approve Payroll/Overtime for Periods of: 07/22/00 - 08/04/00 & 08/05/00 - 08/18/00**
3. **Approve Accounts Payable Register - #789: 07/24/00 - 08/02/00 & #790: 08/03/00 - 08/18/00**
4. **Petition #69-00** - Request to Set a Public Hearing on December 14, 2000 to Amend the Clark County Health District Regulations Governing the Sanitation of Tattoo and Permanent Makeup Establishments and the Sanitation of Body Piercing Establishments
5. **Petition #70-00** - Request Board Approval of Voluntary Separation Program (VSP) for Eligible Employees
6. **Memorandum #29-00** - Conclusion of Management - Labor Negotiations; Approval of New 5 Year Contract with Supervisory and Non-Supervisory Bargaining Units
7. **Petition #72-00** - To Authorize Staff to Release a Request for Proposal to Develop Construction Site Test Methods for Section 94 (Permitting and Dust Control for Construction Activities) Compliance
8. **Petition #73-00** - Request to Schedule a Public Hearing on November 16, 2000 to Consider Revisions for Sections 0 (Definitions) and 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment), and a Global Change From the Phrase "Air Pollution Control" to the Phrase "Air Quality".
9. **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 Permit One (1) Individual Sewage Disposal System (ISDS) to Serve Two (2) Separate Structures (Buildings) on Property Served by a Public Water System. The lot is 20,037 sq. ft. in size and is located at 2824 Belmont Drive, Henderson, Nevada. Legal Description: Por. Lot 4 of Parcel Map File 82, Page 88 APN 177-24-701-019, N ½ SE 1/4, Sec. 24 T22S, R61E, Clark County Nevada - - **Petitioner:** Randall S. Gibson
 - b. **Variance Request** to install an Individual Sewage Disposal System (ISDS) on Property Within Four Hundred (400) Feet of a Public Sewer Line Served by a Public Water System. The property is 120,038 sq. ft. in size and is located at 5305 Patricia Avenue, Las Vegas, Nevada. Legal Description: APN 138-01-710-015, Lot 3, Plat Book 19, Page 26, Block 5, NW 1/4 SE 1/4, Sec. 1, T20S, R60E, Clark County Nevada - - **Petitioner:** Terry Walley

- c. **Variance Request** to Install an Individual Sewage Disposal System (ISDS) on an Undersized Lot Served by a Private Onsite Water Supply. The property is five (5) 27ft. x 125 ft. lots for a total of 16,875 sq. ft. excluding easements; 23,810 sq. ft. including easements) and is located at the corner of Almaeda Street and San Pedro Avenue, Goodsprings, Nevada. Legal Description: Lots 1-5, APN 202-26-610-131, Plat Book 1, Page 14, Block 80, S ½ NE 1/4, Sec. 26, T24S, R58E, Clark County Nevada -- **Petitioner:** Stephanie Stephens

II. PUBLIC HEARING/ACTION

1. **Memorandum #30-00** - Public Hearing to Consider Sections: 12 (Preconstruction Review for New or Modified Stationary Sources) and 19 (Part 70 Operating Permits) of the Air Pollution Control Regulations to Address U. S. Environmental Protection Agency Requirements for Analysis of Maximum Achievable Controls for Major Sources of Hazardous Air Pollutants
2. **Memorandum #31-00** - Public Hearing to Consider Revisions for Section 9 (Penalties) and 94 (Permitting and Dust Control for Construction Activities)

III. REPORT/DISCUSSION/ACTION

1. **Update** on Southern Nevada Regional Planning Coalition (SNRPC) Activities Concerning Air Quality by SNRPC Technical Committee Chair
2. **Subcommittee Reports:**
 - **Air Pollution Control Hearing Board Membership** (Drs Hardy and Christensen)
 - **Management Study** (Members Brown, Cyphers, and Hardy)
3. **Memorandum #28-00** - Federal Legislative Lobbyist Background Information and Data for Board Review, Consideration and Direction to Staff
4. **Petition #71-00** - Request for Board Approval of an Intergovernmental Agreement from the Southern Nevada Regional Planning Coalition to Establish a Southern Nevada Air Quality Transition Management Committee and Contribute \$55,000 Towards the Committee's Activities to Explore Issues Related to Creating a New Independent Air Quality Agency.

- IV. **CITIZEN PARTICIPATION:** A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. 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, 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. Comments will be limited to **three minutes**. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board majority by vote. **All comments by speakers should be relevant to Board action and jurisdiction.**

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. **Administration:**
 - Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of June
 - Emergency Medical Services Annotated Agenda
 - Letter from Lyle Hughes, City of Mesquite Appointee Resigning from the Board of Health
 - Monthly Report

2. Air Quality:

- Hearing Officer Annotated Agenda & Hearing Board Annotated Agenda and Minutes
- Monthly Report, August 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance and Regulation Development)

3. Environmental Health:

- Monthly Activity Report
- Listing of Food Establishments in Plan Review for the Period of 08/01/2000 to 08/31/2000

4. Epidemiology:

- Monthly Report

5. Nursing and Clinics:

- Homeless Youth Coalition Minutes
- Home Health Advisory Board Minutes
- Addiction Treatment Clinic Patient Survey

6. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV; 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY, CITY HALL, 400 California Avenue, Boulder City, NV; 6) MESQUITE CITY HALL, 20 E. Mesquite Boulevard, Mesquite, NV; AND, 7) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.

MEMORANDUM #30-00

TO: DISTRICT BOARD OF HEALTH

FR: Ron Smolinski, *Project Manager, Air Quality Division* *RS*
Mike Sword, P.E., *Acting Director, Air Quality Division* *MS*
Donald S. Kwalick, M.D., *Chief Health Officer* *DK*

SJ: *Public Hearing to Consider Changes to Sections 12 and 19 to Address EPA Requirements for Analysis of Maximum Achievable Controls for Major sources of Hazardous Air Pollutants Pursuant to Section 112(g) of the Clean Air Act.*

DT: September 28, 2000

The 1990 Amendments to the CAA require the EPA to issue emissions standards for all major sources of hazardous air pollutants. In developing the Amendments, Congress recognized that the EPA could not immediately issue Maximum Achievable Control technology (MACT) standards for all industries, and as a result there was a potential for significant new sources of toxic emissions to remain uncontrolled for some unknown period of time. As a result, section 112(g) of the Act requires MACT-level control of air toxics when a new major source of HAP is constructed or reconstructed. The local permitting authority must determine MACT for the facility on a case-by-case basis when EPA has not yet issued a relevant MACT standard.

Clark County Health District, Air Quality Division has an obligation to adopt this program with respect to subsection 112(g) of the Clean Air Act. In accordance with EPA's final rule implementing section 112(g) (reference 61 FR 68384), permitting authorities with approved Title V programs must adopt this program and certify to EPA that the program meets 112(g) requirements no later than December 29, 2000. These proposed changes have been reviewed by the EPA and verbal acceptance has been given.

Adoption of this program represents the next phase in the administration and enforcement of the District's Title V program. Under this program, the Air Quality Division assumes the capacity to determine case-by-case Maximum Achievable Control Technology (MACT) emission controls for major sources of Hazardous Air Pollutants (HAPs).

Section 112(g) applies to the owner or operator of a constructed or reconstructed, or modified major source of hazardous air pollutants. All owners or operators of major sources that are modified, constructed or reconstructed will be required to install Maximum Achievable Control Technology (MACT) (unless specifically exempted). This rule establishes requirements and procedures for the owners or operators to follow to comply with section 112(g). This rule also

contains guidance for permitting authorities in implementing section 112(g). When no applicable Federal emission limitation has been promulgated, the Clean Air Act requires the permitting authority to determine a MACT emission limitation on a case-by-case basis. This rule assures that effective pollution controls will be required for new major sources of air toxics during the period before EPA can establish a national MACT standard for a particular industry. This rule establishes procedures for making such determinations.

No additional funding or additional personnel is required for implementation of this rule. The incidence of major HAP sources in the valley is minimal, and is not anticipated to increase appreciably.

ATTACHMENTS

Proposed revision to *Section 12 - Preconstruction Review of New or Modified Stationary Sources* [added subsection 12.2.18.4]

Proposed revision to *Section 19 - Part 70 Operating Permits* [added subsection 19.3.3.4 (c)]

Notice of Proposed Action, published August 13, 2000, in Las Vegas Review-Journal

RE: Adoption of Toxic Preconstruction Program

REVISION TO SECTION 12 - Preconstruction Review of New or Modified Stationary Sources - Subsection 12.2.18

12.2.18 HAP Sources in Clark County:

12.2.18.1 The applicability of Subsection 12.2.18 shall be limited to any STATIONARY SOURCE subject to the requirements of Section 20 of the Regulations, or any STATIONARY SOURCE with EMISSIONS of HAZARDOUS AIR POLLUTANTS (HAPs) that are not subject to the PM₁₀, VOC, or TCS requirements of the Regulations and shall apply to the following:

- (a) Any new STATIONARY SOURCE located in Clark County which emits or has a POTENTIAL TO EMIT equal to or exceeding, ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs, as defined in Section 0, or
- (b) any MODIFIED HAP STATIONARY SOURCE located in Clark County which has a NET EMISSIONS INCREASE equal to or exceeding ten (10) tons per year for any HAZARDOUS AIR POLLUTANT (HAP), or twenty-five (25) tons per year for any combination of HAPs as defined in Section 0.

12.2.18.2 Emission Control Requirements:

- (a) For any STATIONARY SOURCE not subject to the requirements of Section 20 of the Air Pollution Control Regulations and/or National Emission Standards for Hazardous Air Pollutants promulgated under section 112 of the Federal Clean Air Act:
 - (1) Each new or MODIFIED EMISSIONS UNIT that does not represent an imminent or substantial danger, as determined by the CONTROL OFFICER, may incorporate no control,
 - (2) or, for each new or MODIFIED EMISSIONS UNIT that does represent an imminent or substantial danger, as determined by the CONTROL OFFICER, the emission controls shall be, at a minimum, designed for the BEST AVAILABLE CONTROL TECHNOLOGY.
- (b) For any STATIONARY SOURCE subject to the requirements of Section 20 of the Air Pollution Control Regulations:

- (1) Each new or MODIFIED EMISSIONS UNIT shall be subject to the applicable standard listed in Section 20.

12.2.18.3 Notice of Proposed Action (described in Subsection 12.3) is required for any new STATIONARY SOURCE with a POTENTIAL TO EMIT equal to or exceeding ten (10) tons per year for all HAPs or any STATIONARY SOURCE proposing MODIFICATION that results in a NET EMISSIONS INCREASE from all EMISSIONS UNITS that is equal to or exceeding ten (10) tons per year for all HAPs.

12.2.18.4 An application to construct or reconstruct any major source of hazardous pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the ACT will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44. For purposes of this subsection, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.

(a) Notice of Proposed Action (described in Subsection 12.3) is required for any source subject to this subsection.

(b) Within 60 days of the issuance of the permit, a copy of the MACT determination will be submitted to the EPA.

information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

19.3.3 Standard application form and required information.

Application information required pursuant to subsection 19.3.3 shall be provided for each emission unit. Each application shall include all information needed to determine or impose any applicable requirement, including the following information on forms provided by the Control Officer:

19.3.3.1 Identifying information, including company name and address, or plant name and address, if different from company name; owner's name, agent, and telephone number, names and telephone number of plant site manager/contact, and responsible official.

19.3.3.2 A description of the Source's processes and products by Standard Industrial Classification Code, including any associated with each alternate scenario identified by the Source.

19.3.3.3 Information related to the emissions as follows:

(a) All emissions of pollutants for which the source is major and all emissions of regulated air pollutants including fugitive emissions.

The Control Officer shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source and other information necessary to collect any permit fees owed under Section 18.

(b) Identification and description of all points of emissions described in Subsection 19.3.3.3(a) in sufficient detail to establish a basis for fees pursuant to Section 18 and applicability of requirements of the Act.

(c) Emissions in tons per year, concentrations and emission rates in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(d) Information to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.

(e) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

- (f) Limitations on the Source operation or any work practice standards, where applicable, that affect emissions of any regulated pollutant at the Part 70 Source.
- (g) Other information required by any applicable requirement, including information related to stack height limitations developed pursuant to Section 123 of the Act.
- (h) Calculations on which the information in paragraphs (a) through (g) above is based.

19.3.3.4 The following air pollution control requirements:

- (a) Citation and description of all applicable requirements, including requirements applicable to emissions units that cause the source to be subject to the Part 70 Program.
- (b) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (c) An application to construct or reconstruct any major source of hazardous pollutants shall contain a determination that maximum achievable control technology (MACT) for new sources under Section 112 of the ACT will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR 63.40 through 63.44. For purposes of this subsection, constructing or reconstructing a major source shall have the meaning prescribed in 40 CFR 63.41.

19.3.3.5 Other specific information that may be necessary to implement, and enforce other requirements of the Act or to determine the applicability of such requirements.

19.3.3.6 An explanation of any proposed exemptions from otherwise applicable requirements.

19.3.3.7 Additional information as determined to be necessary by the Control Officer to define alternative operating scenarios identified by the Source pursuant to Subsection 19.4.1.10 or to define permit terms and conditions implementing Subsections 19.4.1.9 and 19.5.7.

19.3.3.8 A compliance plan for all Part 70 Sources shall contain the following:

- (a) A description of the compliance status of the source with respect to all applicable requirements.

- (b) A statement that the source will continue to comply with applicable requirements for which the source is in compliance.
- (c) For applicable requirements that become effective during the permit term, the compliance schedule shall include a statement that the source will meet such requirements in a timely manner including a more detailed schedule if expressly required by a applicable requirement.
- (d) A compliance schedule must be submitted for sources not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- (e) Reserved (Acid Rain-Title IV)

19.3.3.9 Requirements for compliance certification:

- (a) A certification of compliance with all applicable requirements by a Responsible Official shall be submitted to the Control Officer each year or more frequently if specified by the underlying applicable requirement.
- (b) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods.
- (c) A schedule for submission of compliance certifications during the permit term.
- (d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

19.3.3.10 Reserved (Acid Rain-Title IV)



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NOTICE OF PROPOSED ACTION

NOTICE is hereby given that the Clark County Board of Health (Board) is considering adoption of modifications to the Air Pollution Control Regulation Section 12 [*Preconstruction Review for New or Modified Stationary Sources*] and to Section 19 [*Part 70 Operating Permits*]. This action is pursuant to the Board's authority under NRS 445.546. A Public Hearing is to be held at 8:00 a.m., on Thursday, September 28, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

The 1990 Amendments to the CAA require the EPA to issue emissions standards for all major sources of hazardous air pollutants. In developing the Amendments, Congress recognized that the EPA could not immediately issue Maximum Achievable Control technology (MACT) standards for all industries, and as a result there was a potential for significant new sources of toxic emissions to remain uncontrolled for some unknown period of time. Consequently, section 112(g) of the Act requires MACT-level control of air toxics when a new major source of HAP is constructed or reconstructed. The local permitting authority must determine MACT for the facility on a case-by-case basis when EPA has not yet issued a relevant MACT standard.

Clark County Health District, Air Quality Division has an obligation to adopt this program with respect to subsection 112(g) of the Clean Air Act. In accordance with EPA's final rule implementing section 112(g) (reference 61 FR 68384), permitting authorities with approved Title V programs must adopt this program and certify to EPA that the program meets 112(g) requirements no later than December 29, 2000.

Adoption of this program represents the next phase in the administration and enforcement of the District's Title V program. Under this program, the Air Quality Division assumes the capacity to determine case-by-case Maximum Achievable Control Technology (MACT) emission controls for major sources of Hazardous Air Pollutants (HAPs).

Section 112(g) applies to the owner or operator of a constructed, reconstructed, or modified major source of hazardous air pollutants. All owners or operators of major sources that are modified, constructed or reconstructed will be required to install Maximum Achievable Control Technology (MACT) (unless specifically exempted). This rule establishes requirements and procedures for the owners or operators to follow to comply with section 112(g). This rule also contains guidance for permitting authorities in implementing section 112(g). When no applicable Federal emission limitation has been promulgated, the Clean Air Act requires the permitting authority to determine a MACT emission limitation on a case-by-case basis. This rule assures that effective pollution controls will be required for new major sources of air toxics during the period before EPA can establish a national MACT standard for a particular industry. This rule establishes procedures for making such determinations.

Copies of the proposed revisions to the regulations may be obtained by contacting Ron Smolinski or Judy Hartwell at the AQD office, 383-1276.

Dated this 13th day of August, 2000.

Donald S. Kwalick, M.D.
Air Quality Control Officer



Mike Sword, P.E.
Air Quality Division
Clark County Health District
P.O Box 3902
Las Vegas, NV 89127

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI
1389809

3851291CC

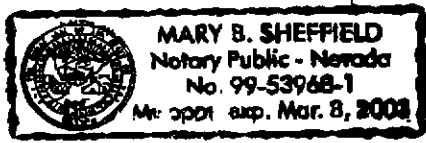
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 08/27/00 to 09/10/2000, on the following days: AUGUST 27, SEPTEMBER 3, 10, 2000

Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of September 2000

Mary B. Sheffield
Notary Public



NOTICE OF PROPOSED ACTION...
The Board of Health...
Public Hearing...
September 25, 2000...
Clark County Health District...
Las Vegas, Nevada 89101

DISCUSSION...
June 22, 2000, the Board...
revisions to Section 9...
and approved new...
Section 9 (Permitting and...
Construction Activities)...
The Board...
the following days: AUGUST 27, SEPTEMBER 3, 10, 2000

PUBLIC COMMENTING...
It is the intent of the Board...
to accept testimony on all aspects...
of the proposed modifications...
to Sections 9 and 10 of the Air...
Pollution Control Regulations...
Persons supporting these modifications...
as well as persons opposed...
to the modifications, are...
invited to present their views.

All persons may submit...
views or comments in writing to...
the Board or may appear...
or make an oral presentation...
at the Public Hearing...
The Board will receive and...
discuss the written and oral...
submissions and proposed...
deletions at the Hearing on...
September 25, 2000.

Written testimony should be...
addressed to: Chairman Paula...
Brown, Clark County Health...
District Board of Health, Clark...
County Health District, P.O. Box 2902...
Las Vegas, Nevada 89107.

INFORMATION...
The proposed modifications to...
Sections 9 and 10 are available...
by calling the Health District...
Please contact Amy Hartwell at...
(702) 259-2275 and this material...
will be mailed or e-mailed to...
you.

Donald S. Ruesch, M.D., M.P.H.
Chief Health Officer
Miles A. Sword, Acting Director
Air Quality Division
Clark County Health District
PUB: Aug. 27, Sept. 2, 10, 2000

and
Dust
Equipment)
given that the
Health District
Board of Health
considering the adop-
tions to Air Pol-
Control Regulations Sec-
0 (Definitions) and Section
93 (Fugitive Dust From Paved
Roads and Street Sweeping
Equipment) and a global change
of phrase from "Air Pollution
Control" to "Air Quality". This
action is pursuant to the
Board's authority under NRS
445.546. A Public Workshop will
be held at 2:00 a.m., on Wednes-
day, November 8, 2000, at:

Clark County Health District
Air Quality Division,
625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

On June 22, 2000, the District Board of Health approved revisions to Sections 0 (Definitions) and 9 (Penalties) and approved new Sections 90 (Fugitive Dust from Open Areas and Vacant Land), 91 (Fugitive Dust from Unpaved Roads, Unpaved Aways, and Unpaved Esplanade Roads), 92 (Fugitive Dust from Unpaved Parking Lots), 93 (Fugitive Dust from Paved Roads and Street Sweeping Equipment), and 94 (Permitting and Dust Control for Construction Activities) of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM10). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified a publishing notice of for two sections of "clean-up" revisions of these regulations. Among the publishing notices for the sections listed above, it appears that no public notice was published in local newspapers that addressed Sections 0 and 93. Through numerous workshops and Board of Health agenda discussions there was abundant notice to the public. However, newspaper notices advertised the hearings were deficient mentioning Sections 0 and 93. Therefore, to address this oversight, staff requests public hearings be scheduled to accept public input on all the content of Section 0 definitions and all content in Section 93, contained in June. Furthermore, Department of Comprehensive Planning requests same air-up changes to section 93. Section 0 is presented in Attachment I, Section 93 with draft revisions is presented in Attachment II.

and the District changed name of the Air Pollution Control Division to the Air Quality Division. Throughout the regions (from Section 0 to 94) citations of the following persons, or groups:

- Air Pollution Control Regulations
- Air Pollution Control Board (Board of Health)
- Air Pollution Control Hearing Officer
- Air Pollution Control Hearing Board
- Air Pollution Control Officer
- Air Pollution Control Committee

PUBLIC COMMENTING:

the intent of the Board to present testimony on all aspects of proposed modifications to Sections 0 and 93 of the Air Pollution Control Regulations. If these modifications are approved as persons or groups, their views.

persons may submit data, or comments in writing to the Board or may appear or present an oral presentation at a Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on November 8, 2000.

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:
That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

CC HEALTH DISTRI 3851291CC
1453505

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3 edition(s) of said newspaper issued from 10/15/00 to 10/29/2000, on the following days: OCTOBER 15, 22, 29, 2000

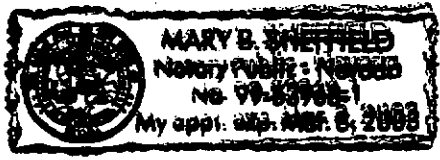
Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

day of November 2000

Mary B. Sheffield

Notary Public





MEMORANDUM #31-00

TO: DISTRICT BOARD OF HEALTH

FR: Mike Sword, *Acting Director, Air Quality Division*

David Rowles, *Administrative Services Director*

Donald S. Kwalick, M.D., *Chief Health Officer*

SJ: *Revisions for Section 9 [Civil Penalties], and Section 94 [Permitting and Dust Control for Construction Activity].*

DT: September 28, 2000

I. SUMMARY

The public hearing on the modifications to Air Pollution Control Regulations (regulations), Section 9 and Section 94, was scheduled on August 24, 2000 by the Clark County Health District (District), Board of Health (Board) for today. The proposed modifications were distributed at a September 22, 2000, workshop. Staff, in coordination with the Clark County Department of Comprehensive Planning, has held additional meetings with interested persons.

The original Board-approved regulations that were adopted on June 22, 2000, are attached to this memorandum as Attachment 1. The green sheets, which reflect the "clean-up language" and subsequent revisions, are attached to this memorandum as Attachment 2. Staff recommends that the Board receive and consider any testimony concerning the "clean-up language" and revisions today and approve the proposed modifications to the above referenced regulations.

II. DISCUSSION

On June 22, 2000, the Board approved revisions to Section 9 [*Penalties*] and approved new Section 94 [*Permitting and Dust Control for Construction Activities*] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan that is being prepared by the Clark County Department of Comprehensive Planning and will be considered by the Clark County Commission.

Subsequent review of these regulations by the District, stakeholders, Environmental Protection Agency, and the public has identified the need for some "clean-up" language to these regulations. Additionally, the development of the Section 94 Handbook has created the need to make adjustments to Section 94 for clarity and continuity between the regulation and the Handbook.

Additional revisions to Section 9 of the Air Pollution Control regulations contain the inclusion of "Section 9.10", which states that the minimum penalty for a violation of Section 4.7.2.4. (failure to comply with the terms of a Final Corrective Action Order) is scheduled at \$2,000.00.

A summary of additions to Section 94 of the Air Pollution Control regulations include Section 94.5.6, which states that the limitation of visible emissions for abrasive blasting be no more than an average of 40% opacity for any period aggregating 3 minutes in a 60-minute period. Non-compliance with any record keeping or miscellaneous requirements as listed in Section 94.6.8 (h), and stockpile requirements listed in Sections 94.7.1. (stockpiles located within 100 yards of occupied buildings must not be constructed over 8 feet in height) and 94.7.2. (stockpiles over 8 feet in height must have a road bladed to the top to allow water truck access or must have a sprinkler irrigation system installed, used, and maintained) will be considered failure to employ Best Available Control Measures.

Attachments:

Attachment 1 – Section 9 [*Civil Penalties*] and Section 94 [*Permitting and Dust Control for Construction Activities*]

Attachment 2 - Proposed Amendments to Section 9 [*Civil Penalties*] and Section 94 [*Permitting and Dust Control for Construction Activities*]

Notice of Public Hearing



CLARK COUNTY HEALTH DISTRICT

P.O. BOX 3902 • 625 SHADOW LANE • LAS VEGAS, NEVADA 89127 • 702-383-1276 • FAX 702-383-1443

NOTICE OF PROPOSED ACTION

MODIFICATIONS TO AIR POLLUTION CONTROL REGULATIONS SECTION 9 (Penalties) and SECTION 94 (Permitting and Dust Control for Construction Activities)

NOTICE is hereby given that the Clark County Health District (District), Board of Health (Board) is considering the adoption of modifications to Air Pollution Control Regulations Section 9 (Penalties) and Section 94 (Permitting and Dust Control for Construction Activities). This action is pursuant to the Board's authority under NRS 445.546. A Public Workshop will be held at 9:00 a.m., on Wednesday, September 13, 2000, at:

Clark County Health District
Clemens Room, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

On June 22, 2000, the Board approved revisions to Section 9 [*Penalties*] and approved new Section 94 [*Permitting and Dust Control for Construction Activities*] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan that is being prepared by the Clark County Department of Comprehensive Planning and will be considered by the Clark County Commission.

Subsequent review of these regulations by the District, stakeholders, Environmental Protection Agency, and the public has identified the need for some "clean-up" revisions to these regulations. Additionally, the development of the Section 94 Handbook has created the need to make adjustments to Section 94 for clarity and continuity between the regulation and the Handbook.

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed modifications to Sections 9 and 94 of the Air Pollution Control Regulations. Persons supporting these modifications, as well as persons opposed to the modifications, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on September 28, 2000.

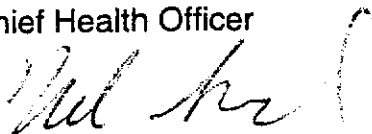
Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Modifications to Sections 9 and 94 are available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 27th day of August, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Mike A. Sword, Acting Director
Air Quality Division
Clark County Health District

Amended A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
November 16, 2000 - 8:00 A.M.



CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV
NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

I. **CONSENT AGENDA**: Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

1. **Approve Minutes/Board of Health Meeting** - 10/26/00
2. **Approve Payroll/Overtime for Periods of**: 09/16/00 - 09/29/00 & 09/30/00 - 10/13/00
3. **Approve Accounts Payable Register** - #793: 09/25/00-10/06/00 & #794: 10/09/00 - 10/19/00
4. **Memorandum #36-00** - Approval of Year 2000 Meeting Dates for the Board of Health
5. **Petition #85-00** - Request: The Board Authorize Staff to Release a Request for Proposal for Development of Soil Wind Erodibility Test Methods for Construction Sites and Disturbed Vacant Land
6. **Petition #86-00** - Request: To Set a Public Hearing on January 25, 2001 for Adopting Regulations Governing the Construction and Operation of Recycling Centers
7. Appointment of Nominating Committee for Calendar Year 2001 Board of Health Officers (Committee Chair Reese; Members Henderson & Ravitch)

II. **PUBLIC HEARING/ACTION**

1. **Memorandum #35-00** - Public Hearing: Proposed Changes to Sections 0 (Definitions) and 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment), and a Global Name Change From "Air Pollution Control" to "Air Quality" Throughout the Regulations.

III. **REPORT/DISCUSSION/ACTION**

Board may take action on any items in this section and/or direct staff accordingly:

1. **Subcommittee Reports**:
 - a. **Air Quality Management Study** (Members Christensen, Crowley and Smith)
2. **Petition #84-00** - Board Discussion and Determination to Authorize Development of a Request For Proposals to Perform a Financial and Performance Audit of the Air Quality Division's Emission Reduction Credit (ERC) Program and Other Action Related Thereto
3. **Memorandum #37-00** Fiscal Year 1999-2000-Annual Audit Report to the Board by Representatives of Stewart, Archibald and Barney

IV. **CITIZEN PARTICIPATION**: A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. 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, no vote may be taken on a matter not listed on the posted agenda, and;

DJK

A G E N D A
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
November 16, 2000 - 8:00 A.M.

CLEMENS ROOM . DISTRICT HEALTH CENTER . 625 SHADOW LANE . LAS VEGAS, NV

NOTICE

NRS 241.020, as amended by the 1977 Legislature, requires that written notice of all meetings of the District Board of Health be given at least three working days before the meetings. The notice shall include the time, place, location, and agenda of the meeting. Individuals may request notice, but a request for notice lapses six months after it is made. The Clark County District Board of Health informs each requester of this fact by this notation on this copy of the notice mailed to you.

ITEM

PLEDGE OF ALLEGIANCE

CALL TO ORDER

- I. **CONSENT AGENDA**: Matters to be considered by the District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

1. **Approve Minutes/Board of Health Meeting** - 10/26/00
2. **Approve Payroll/Overtime for Periods of**: 09/16/00 - 09/29/00 & 09/30/00 - 10/13/00
3. **Approve Accounts Payable Register** - #791: 08/21/2000 - 09/08/2000 & #792: 09/11/2000 - 09/22/2000
4. **Memorandum #36-00** - Approval of Year 2000 Meeting Dates for the Board of Health
5. **Petition #85-00** - Request: The Board Authorize Staff to Release a Request for Proposal for Development of Soil Wind Erodibility Test Methods for Construction Sites and Disturbed Vacant Land
6. **Petition #86-00** - Request: To Set a Public Hearing on January 25, 2001 for Adopting Regulations Governing the Construction and Operation of Recycling Centers
7. Appointment of Nominating Committee for Calendar Year 2001 Board of Health Officers (Committee Chair Reese; Members Henderson & Ravitch)

II. **PUBLIC HEARING/ACTION**

1. **Memorandum #35-00** - Public Hearing: Proposed Changes to Sections 0 (Definitions) and 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment), and a Global Name Change From "Air Pollution Control" to "Air Quality" Throughout the Regulations.

III. **REPORT/DISCUSSION/ACTION**

Board may take action on any items in this section and/or direct staff accordingly:

1. **Subcommittee Reports:**

- a. **Air Quality Management Study** (Members Christensen, Crowley and Smith)

2. **Petition #84-00** - Board Discussion and Determination to Authorize Development of a Request For Proposals to Perform a Financial and Performance Audit of the Air Quality Division's Emission Reduction Credit (ERC) Program and Other Action Related Thereto

3. **Memorandum #37-00** Fiscal Year 1999-2000-Annual Audit Report to the Board by Representatives of Stewart, Archibald and Barney

- IV. **CITIZEN PARTICIPATION**: A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. 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, 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. Comments will be limited to **three minutes**. Please step up to the speaker's podium, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairman, or the Board majority by vote. **All comments by speakers should be relevant to Board action and jurisdiction.**

V. HEALTH OFFICER & STAFF REPORTS

VI. INFORMATIONAL ITEMS

1. Administration:

- a. 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 August
- c. Emergency Medical Services Annotated Agenda
- d. Health Education Monthly Report

2. Air Quality:

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

3. Environmental Health:

- a. Monthly Activity Report
- b. Listing of Food Establishments in Plan Review for the Period of 09/01/2000 to 09/30/2000

4. Epidemiology:

- a. Monthly Report

5. Nursing and Clinics:

- a. Tuberculosis Treatment and Control Clinic Report

VII. ADJOURNMENT

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administration in writing at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106, or by calling 383-1201.

THIS AGENDA HAS BEEN POSTED IN THE MAIN LOBBY OF THE FOLLOWING LOCATIONS: 1) CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV 2) LAS VEGAS CITY HALL, 400 E. Stewart Avenue, Las Vegas, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) HENDERSON CITY HALL, 200 Water Street, Henderson, NV; 5) BOULDER CITY CITY HALL, 400 California Avenue, Boulder City, NV; 6) MESQUITE CITY HALL, 20 E. Mesquite Boulevard, Mesquite, NV; AND, 7) CLARK COUNTY HEALTH DISTRICT (MAIN), 625 Shadow Lane, Las Vegas, NV. The Board's Agenda is available on the Clark County Health District Internet Web Site <http://www.cchd.org>.

TO: DISTRICT BOARD OF HEALTH

FR: Christine Robinson, *Director, Air Quality Division*
 David Rowles, *Administrative Services Director*
 Donald S. Kwalick, M.D., *Chief Health Officer*

SJ: *Public Hearing on Proposed Changes to Section 0 [Definitions] and Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment], and Global Name Change from "Air Pollution Control" to "Air Quality" throughout the Regulations.*

DT: November 16, 2000

I. RECOMMENDATIONS

Staff recommends that the Board receive and consider any testimony concerning the "clean-up language" and revisions today and approve the proposed modifications to the above referenced regulations.

II. SUMMARY

The public hearing on the modifications to Air Pollution Control Regulations (regulations), Section 0 and Section 93, was scheduled on September 28, 2000 by the Clark County Health District (District), Board of Health (Board) for today. The proposed modifications were distributed at a September 22, 2000, workshop. Staff, in coordination with the Clark County Department of Comprehensive Planning, has held additional meetings with interested persons.

III. DISCUSSION

On June 22, 2000, the District Board of Health approved revisions to Sections 0 [*Definitions*] and 9 [*Penalties*], and approved new Sections 90 [*Fugitive Dust from Open Areas and Vacant Land*], 91 [*Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads*], 92 [*Fugitive Dust from Unpaved Parking Lots*], 93 [*Fugitive Dust from Paved Roads and Street Sweeping Equipment*], and 94 [*Permitting and Dust Control for Construction Activities*] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified the need for publishing notice of public hearing for two sections and for some "clean-up" revisions to some of these regulations. In reviewing the public hearing notices for the

sections listed above, it became apparent that no public notice had been published in the local newspapers that addressed Sections 0 and 93. Through numerous workshops and Board of Health agenda descriptions there was abundant notice to the public. However, the newspaper notices advertising the hearings were deficient in mentioning Sections 0 and 93. Therefore, to address this oversight, staff requested public hearings be scheduled to accept public input on all the content of the Section 0 definitions and all the content in Section 93 considered in June. Furthermore, the department of Comprehensive Planning requests some clean-up changes to section 93. Proposed revisions to Sections 0 and 93 are presented in Attachment I.

Recently the District changed the name of the Air Pollution Control Division to the Air Quality Division. Throughout the regulations (from Section 0 to 94) are citations of the following items, persons, or groups:

Air Pollution Control Regulations
Air Pollution Control Board (Board of Health)
Air Pollution Control Hearing Officer
Air Pollution Control Hearing Board
Air Pollution Control Officer
Air Pollution Control Committee

Staff has drafted a global change sheet, Attachment II, that would change the phrase "Air Pollution Control" to "Air Quality."

Attachments:

Attachment I - Proposed Amendments to Section 0 *[Definitions]* and Section 93 *[Fugitive Dust From Paved Roads and Street Sweeping Equipment]*
Attachment II - Global Change of "Air Pollution Control" to "Air Quality"
Notice of Public Hearing

Attachment II

Global Change of "Air Pollution Control" to "Air Quality"

**Proposed 11-16-00
Global Change to Sections 0 through 94**

Wherever, throughout the current Air Pollution Control Regulations, the phrase "Air Pollution Control" occurs, replace it with the phrase "Air Quality."

- 11/16/00 -

- **Proposed Section 0 Amendments (Revised)**

SECTION 0 - DEFINITIONS

APPROVED-BOARD OF HEALTH

DATE 11/16/00 mlj

In the Regulations, defined words are Capitalized.

Definitions: For the purpose of Draft Sections 90 through 94 of these Regulations, the following new or modified definitions are being added to Section 0.

Note: This is the proposed text of the definitions, without any strikeouts, underlining, or highlighting. This is how the amended definitions will appear in the Regulations.

"Control Measure" means a technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

"Control Officer" means the Chief Health Officer for the Clark County Board of Health, or his designee.

"Disturbed Surface Area" means a portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.

"Dust Palliative" means hygroscopic material, non-toxic chemical stabilizer or other dust palliative material which is not prohibited for ground surface application by the Environmental Protection Agency (EPA) or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing fugitive dust emissions. Water, solutions of water and chemical surfactants, and foam are not dust palliatives for the purpose of these Regulations.

"Dust Suppressant" means water, hygroscopic material, solution of water and chemical surfactants, foam, non-toxic chemical stabilizer or any other dust palliative which is not prohibited for ground surface application by the Environmental Protection Agency (EPA) or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.

Adopted 00/00/00
Air Pollution Control Regulations

0-1

Clark County Health District, P.O. Box 3902, Las Vegas, NV 89127

- Proposed Section 0 Amendments (Revised)

"Easement" means the grant to a person a right of use of a property given by the property owner for a specific purpose, or a prescriptive right as determined by a court of law.

"Easement Holder" means any person who owns, leases, operates, controls, or supervises an easement.

"Fugitive Dust" means particulate matter, which is not collected by a capture system, which is entrained in the ambient air and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of these Regulations, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other Sections of these Regulations.

"Motor Vehicles" means, every device in, upon or by which any person or property is, or may be transported or drawn upon a road or highway, except devices moved by human power or used exclusively upon stationary rails.

"Normal Farm Cultural Practice" means all activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

"Off-Road Vehicle" means any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies.

"Open Areas And Vacant Lots" means any of the following described in Subsections (a) through (e) below. For the purpose of this Regulation, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

- (a) An unsubdivided or undeveloped tract of land.
- (b) A subdivided lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.

- **Proposed Section 0 Amendments (Revised)**

- (c) An undeveloped or partially developed lot.
- (d) Non-road easements.
- (e) Unpaved parts of controlled access freeway right-of-ways, except those portions subject to Section 93 requirements.

"**Owner And/Or Operator**" means, for the purposes of Sections 90 through 94, any person who owns, leases, operates, maintains, controls, or supervises a fugitive dust source subject to the requirements of these Regulations.

"**Pave**" means the application and maintenance of asphalt, concrete, or other similar material on a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

"**PM₁₀ Nonattainment Area**" means that area which has been designated as nonattainment for the National Ambient Air Quality Standards for PM₁₀ by the US EPA and which coincides with the area designated as Hydrographic Basin 212 (approximated by the attached map).

"**Reclaimed Water**" means wastewater that, as a result of appropriate treatment, is suitable for subsequent beneficial use. Reclaimed Water does not meet the State of Nevada standards for potable water.

"**Unpaved Road (Includes Alleys)**" means a road that is not paved. For the purpose of this rule, an unpaved roadway (including alleys) is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.

"**Unpaved Parking Lot**" means any area of 5,000 square feet or larger that is not paved and is used for parking, maneuvering, or storing motor vehicles.

"**Vacant Lot**" (See definition of Open Areas and Vacant Lots).

MEMORANDUM #35-00

TO: DISTRICT BOARD OF HEALTH

FR: Christine Robinson, *Director, Air Quality Division*
David Rowles, *Administrative Services Director*
Donald S. Kwalick, M.D., *Chief Health Officer*

SJ: *Public Hearing on Proposed Changes to Section 0 [Definitions] and Section 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment], and Global Name Change from "Air Pollution Control" to "Air Quality" throughout the Regulations.*

APPROVED-BOARD OF HEALTH:

DT: November 16, 2000

DATE 11/16/00 mlg

I. RECOMMENDATIONS

Staff recommends that the Board receive and consider any testimony concerning the "clean-up language" and revisions today and approve the proposed modifications to the above referenced regulations.

II. SUMMARY

The public hearing on the modifications to Air Pollution Control Regulations (regulations), Section 0 and Section 93, was scheduled on September 28, 2000 by the Clark County Health District (District), Board of Health (Board) for today. The proposed modifications were distributed at a September 22, 2000, workshop. Staff, in coordination with the Clark County Department of Comprehensive Planning, has held additional meetings with interested persons.

III. DISCUSSION

On June 22, 2000, the District Board of Health approved revisions to Sections 0 [Definitions] and 9 [Penalties], and approved new Sections 90 [Fugitive Dust from Open Areas and Vacant Land], 91 [Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads], 92 [Fugitive Dust from Unpaved Parking Lots], 93 [Fugitive Dust from Paved Roads and Street Sweeping Equipment], and 94 [Permitting and Dust Control for Construction Activities] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified the need for publishing notice of public hearing for two sections and for some "clean-up" revisions to some of these regulations. In reviewing the public hearing notices for the

NOTICE OF PROPOSED ACTION

MODIFICATIONS TO AIR POLLUTION CONTROL REGULATIONS SECTION 0 (Definitions) and SECTION 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment)

NOTICE is hereby given that the Clark County Health District (District), Board of Health (Board) is considering the adoption of modifications to Air Pollution Control Regulations Section 0 (Definitions) and Section 93 (Fugitive Dust From Paved Roads and Street Sweeping Equipment) and a global change of phrase from "Air Pollution Control" to "Air Quality". This action is pursuant to the Board's authority under NRS 445.546. A Public Workshop will be held at 9:00 a.m., on Wednesday, November 8, 2000, at:

Clark County Health District
Air Quality Division, 625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

On June 22, 2000, the District Board of Health approved revisions to Sections 0 [Definitions] and 9 [Penalties], and approved new Sections 90 [Fugitive Dust from Open Areas and Vacant Land], 91 [Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads], 92 [Fugitive Dust from Unpaved Parking Lots], 93 [Fugitive Dust from Paved Roads and Street Sweeping Equipment], and 94 [Permitting and Dust Control for Construction Activities] of the District Air Pollution Control Regulations. These regulations address the additional control of fugitive dust emissions needed to reach attainment of the national ambient air quality standards for inhalable particulate matter (PM₁₀). The regulations will be included with the new State Implementation Plan which is being prepared by the Department of Comprehensive Planning and which will be considered by the Clark County Commission.

Subsequent review of these regulations by AQD, stakeholders, Environmental Protection Agency, and the public has identified the need for publishing notice of public hearing for two sections and for some "clean-up" revisions to some of these regulations. In reviewing the public hearing notices for the sections listed above, it appears that no public notice was published in the local newspapers that addressed Sections 0 and 93. Through numerous workshops and Board of Health agenda descriptions there was abundant notice to the public. However, the newspaper notices advertising the hearings were deficient in mentioning Sections 0 and 93. Therefore, to address this oversight, staff requests public hearings be scheduled to accept public input on all the content of the Section 0 definitions and all the content in Section 93 considered in June. Furthermore, the department of Comprehensive Planning requests some clean-up changes to section 93. Section 0 is presented in Attachment I. Section 93 with draft revisions is presented in Attachment II.

Recently the District changed the name of the Air Pollution Control Division to the Air Quality Division. Throughout the regulations (from Section 0 to 94) are citations of the following items, persons, or groups:

- Air Pollution Control Regulations
- Air Pollution Control Board (Board of Health)
- Air Pollution Control Hearing Officer
- Air Pollution Control Hearing Board
- Air Pollution Control Officer
- Air Pollution Control Committee

PUBLIC COMMENTING:

It is the intent of the Board to accept testimony on all aspects of the proposed modifications to Sections 0 and 93 of the Air Pollution Control Regulations. Persons supporting these modifications, as well as persons opposed to the modifications, are invited to present their views.

All persons may submit data, views or comments in writing to the Board or may appear or make an oral presentation at the Public Hearing (Hearing). The Board will receive and discuss the written and oral submissions and proposed deletions at the Hearing on November 16, 2000.

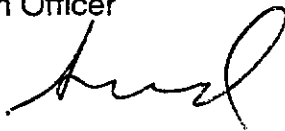
Written testimony should be addressed to: Chairman Paula Brown, Clark County District Board of Health, Clark County Health District, P.O. Box 3902, Las Vegas, Nevada 89127.

INFORMATION:

The Proposed Modifications to Sections 0 and 93 are available by calling the Health District. Please contact Judy Hartwell at (702) 383-1276 and this material will be mailed or e-mailed to you.

Dated this 15th day of October, 2000

Donald S. Kwalick, M.D., M.P.H.
Chief Health Officer



Mike A. Sword, Acting Director
Air Quality Division
Clark County Health District

and
Dust
Equipment)

by given that the
y Health District
Board of Health
s considering the adop-
modifications to Air Pol-
Control Regulations Sec-
on 0 (Definitions) and Section
93 (Fugitive Dust From Paved
Roads and Street Sweeping
Equipment) and a global change
of phrase from "Air Pollution
Control" to "Air Quality". This
action is pursuant to the
Board's authority under NRS
445.546. A Public Workshop will
be held at 9:00 a.m. on Wednes-
day, November 8, 2000, at:

Clark County Health District
Air Quality Division
625 Shadow Lane
Las Vegas, Nevada 89106

DISCUSSION:

On June 22, 2000, the District
Board of Health approved revisions
to Sections 0 (Definitions)
and 9 (Penalties) and approved
new Sections 90 (Fugitive Dust
from Open Areas and Vacant
Land), 91 (Fugitive Dust from
Unpaved Roads, Unpaved Al-
leys, and Unpaved Easement
Roads), 92 (Fugitive Dust from
Unpaved Parking Lots), 93
(Fugitive Dust from Paved
Roads and Street Sweeping
Equipment), and 94 (Permitting
and Dust Control for Construc-
tion Activities) of the District Air
Pollution Control Regulations.
These regulations address the
additional control of fugitive
dust emissions needed to reach
attainment of the national am-
bient air quality standards for
inhalable particulate matter
(PM10). The regulations will be
included with the new State Im-
plementation Plan which is be-
ing prepared by the Department
of Comprehensive Planning and
which will be considered by the
Clark County Commission.

Subsequent review of these regu-
lations by AQD, stakeholders,
Environmental Protection Agen-
cy, and the public has identified
the need for publishing notice of
public hearing for two sections
some "clean-up" revi-
some of these regula-
reviewing the public
otices for the sections
ve, it appears that no
otice was published in
the local newspapers that ad-
ressed Sections 0 and 93.
Through numerous workshops
and Board of Health agenda de-
scriptions there was abundant
notice to the public. However,
the newspaper notices advertis-
ing the hearings were deficient
in mentioning Sections 0 and 93.
Therefore, to address this over-
sight, staff requests public hear-
ings be scheduled to accept
public input on all the content of
the Section 0 definitions and all
the content in Section 93 con-
sidered in June. Furthermore,
the department of Comprehen-
sive Planning requests some
clean-up changes to section 93.
Section 0 is presented in Attach-
ment I. Section 93 with draft re-
visions is presented in Attach-
ment II.

recently the District changed
the name of the Air Pollution
Control Division to the Air Quali-
ty Division. Throughout the regu-
lations (from Section 0 to 94)
are citations of the following
terms, persons, or groups:
or groups:

- Air Pollution Control
Regulations
- Air Pollution Control
Board (Board of Health)
- Air Pollution Control
Hearing Officer
- Air Pollution Control
Hearing Board
- Air Pollution Control
Officer
- Air Pollution Control
Committee

PUBLIC COMMENTING:

is the intent of the Board to
accept testimony on all aspects
of the proposed modifications
to Sections 0 and 93 of the Air
Pollution Control Regulations.
Persons supporting these modi-
fications as well as persons op-
posing the modifications, are
requested to present their views.

Persons may submit data,
testimony or comments in writing to
the Board or may appear or
make an oral presentation at
the Public Hearing (Hearing).
The Board will receive and dis-
cuss the written and oral sub-
missions and proposed dele-
gations at the Hearing on Novem-
ber 16, 2000.

Written testimony should be ad-
dressed to: Chairman Paula
Brown, Clark County District

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas
Sun, daily newspapers regularly issued, published and circulated in the City of
Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true
copy attached for,

CC HEALTH DISTRI 3851291CC
1453505

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 3
edition(s) of said newspaper issued from 10/15/00 to 10/29/2000, on
the following days: OCTOBER 15, 22, 29, 2000

Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

day of November 2000

Mary B. Sheppard
Notary Public

