



Carbon Monoxide State Implementation Plan

APPENDIX D REGULATIONS, POLICIES AND PUBLIC PARTICIPATION DOCUMENTATION

Las Vegas Valley Non-attainment Area
Clark County, Nevada
August 2000



Clark County Board of Commissioners

APPENDIX D

REGULATIONS, POLICIES AND PUBLIC PARTICIPATION DOCUMENTATION

<u>Section</u>	<u>Title</u>
One	Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation.
Two	Regional Transportation Commission Resolution No. 177 Establishing Guidelines for a Commuter Assistance Program.
Three	Nevada Revised Statutes, Chapter 486A: Alternative Fuels Legislation.
Four	Nevada Administrative Code, Chapter 445B: Technician Training and Licensing.
Five	Senate Bill 432: An Act Related to Air Quality Programs in the Las Vegas Valley.
Six	Nevada State Environmental Commission Resolution Committing to the Adoption of Additional Measures for Attainment, Maintenance, and Conformity.
Seven	Nevada Department of Motor Vehicles and Public Safety Letter of Commitment for Remote Sensing (<i>not available in electronic format</i>).
Eight	Regional Transportation Commission Resolution No. 149 Committing to VMT Tracking and Reporting (<i>not available in electronic format</i>).
Nine	Regional Transportation Commission Resolution on the CATMATCH Program.
Ten	On-Board Diagnostics Regulations
Eleven	Public Participation Documentation. <ul style="list-style-type: none">• Summary of Public Participation Activities.• Written Comments and Responses.• Public Hearing Noticing, Comments and Responses.

APPENDIX D

Section One Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation

DISTRICT BOARD OF HEALTH OF CLARK COUNTY

AIR POLLUTION CONTROL REGULATIONS

SECTION 54 - CLEANER BURNING GASOLINE (CBG): WINTERTIME PROGRAM

DEFINITIONS

"**ASTM**" means the American Society for Testing and Materials.

"**BARREL**" means 42 U.S. gallons.

"**BULK PURCHASER-CONSUMER**" means a person that purchases or otherwise obtains GASOLINE in bulk and then dispenses it into the fuel tanks or **MOTOR VEHICLES** owned or operated by the person.

"**BULK PLANT**" means an intermediate GASOLINE distribution facility where delivery of GASOLINE to and from the facility is solely by truck.

"**CAP**" or absolute limit means a standard that applies to all GASOLINE whenever it is sold or supplied throughout the distribution system.

"**CBG OR CLEANER BURNING GASOLINE**" means:

- (A) GASOLINE sold, intended for sale, or made available for sale as a MOTOR VEHICLE fuel in Clark County Nevada; and
- (B) GASOLINE that the PRODUCER knows or reasonably should know will be offered for sale or supply at an out-of-state terminal or BULK PLANT at which it will be identified as GASOLINE suitable for sale as a MOTOR VEHICLE fuel in Clark County, Nevada.

"**CBGBOB OR CLEANER BURNING GASOLINE BLENDSTOCK FOR OXYGENATE BLENDING**, means a petroleum-derived liquid which is intended to be, or is represented as, a product that will constitute CBG upon the addition of a specified type and percentage (or range of percentages) of OXYGENATE to the product after the product has been supplied from the PRODUCTION or IMPORT FACILITY at which it was produced or imported.

“DESIGNATED ALTERNATIVE LIMIT OR DAL” means an alternative GASOLINE specification limit, expressed in the nearest part per million by weight for sulfur content, nearest tenth percent by volume for aromatic hydrocarbon content, which is assigned by a PRODUCER or IMPORTER to a FINAL BLEND of CBG pursuant to Section 54.4.

"FINAL BLEND" means a distinct quantity of GASOLINE or a batch of CBG or CBGBOB at a PRODUCTION FACILITY from which some or all of the quantity or batch is delivered via pipeline to Clark County and/or a distinct quantity of CBG or CBGBOB that is imported into Clark County via either railway tankcars or trucks.

"FURTHER PROCESS" means to perform any activity on GASOLINE, including distillation, treating with hydrogen, or blending, for the purpose of bringing the GASOLINE into compliance with the standards in this Section.

"GASOLINE" means any fuel that is commonly or commercially known, sold or represented as GASOLINE.

"IMPORTED CBG" means CBG which is transported into Clark County, Nevada via rail car or tank truck or trailer.

"IMPORT FACILITY" means the facility at which IMPORTED CBG or CBGBOB is first received in Clark County, Nevada, including, in the case of GASOLINE or CBGBOB imported by cargo tank and delivered directly to a facility for dispensing GASOLINE into MOTOR VEHICLES, the cargo tank in which the CBG or CBGBOB is imported.

"IMPORTER OF CBG" means any person who first accepts delivery in Clark County, Nevada of IMPORTED CBG.

"MOTOR VEHICLE" has the same meaning as defined in Section 0.

"OXYGENATE" is any oxygen-containing, ashless, organic compound, such as an alcohol or ether, which, when added to GASOLINE increases the amount of oxygen in GASOLINE.

"OXYGENATE BLENDING FACILITY" means any facility (including a truck) at which OXYGENATE is added to GASOLINE or blendstock, and at which the quality or quantity of GASOLINE is not altered in any other manner except for the addition of deposit control additives or other similar additives.

"OXYGENATE BLENDER" means any person who owns, leases, operates, controls, or supervises an OXYGENATE BLENDING FACILITY, or who owns or controls the

blendstock or GASOLINE **used** or the GASOLINE produced at an OXYGENATE BLENDING FACILITY.

“PRODUCE” means, except as otherwise provided in section (a) or (b) below, to convert liquid compounds which are not GASOLINE into GASOLINE. When a person blends volumes of blendstocks which are not GASOLINE with volumes of GASOLINE acquired from another person, and the resulting blend is GASOLINE, the person conducting such blending has produced only the portion of the blend which was not previously GASOLINE. When a person blends GASOLINE with other volumes of GASOLINE, without the addition of blendstocks which are not GASOLINE, the person does not produce GASOLINE.

- (a) Where a person supplies GASOLINE to a REFINER who agrees in writing to FURTHER PROCESS the GASOLINE at the REFINER’S REFINERY and to be treated as a PRODUCER of the GASOLINE, the REFINER shall be deemed for all purposes under this article to be the PRODUCER of the GASOLINE.
- (b) Where a person blends OXYGENATES into GASOLINE which has already been supplied from a GASOLINE PRODUCTION FACILITY or IMPORT FACILITY, and does not alter the quality or quantity of the GASOLINE in any other way, the person does not produce GASOLINE.

"PRODUCER" means any person who owns, leases, operates, controls or supervises a PRODUCTION FACILITY.

"PRODUCTION FACILITY" means a facility at which CBG or CBGBOB is produced. Upon request of a PRODUCER, the Clark County Health District Air Pollution Control Division may designate, as part of the PRODUCER's PRODUCTION FACILITY, a physically separate bulk storage facility which (A) is owned or leased by the PRODUCER, and (B) is operated by or at the direction of the PRODUCER and (C) is not used to store or distribute CBG or CBGBOB that is not supplied from the PRODUCTION FACILITY.

"REFINER" means any person who owns, leases, operates, controls or supervises a REFINERY.

"REFINERY" means a facility that produces liquid fuels by distilling petroleum.

"SUPPLY" means to provide or transfer a product to a physically separate facility, vehicle, or transportation system.

54.1 Applicability of Standards; Additional Standards; Registration

- 54.1.1 All sales, supplies, offer or movements of CBG for use in Clark County, Nevada, including transactions directly involving the fueling of MOTOR VEHICLES at a retail outlet or BULK PURCHASER CONSUMER facility.
- 54.1.2 Unless otherwise specifically provided, this section shall apply from November 1, 1999 to March 31, 2000, and each such winter season thereafter.
- 54.1.3 The standards in Subsections 54.2.1 and 54.2.2 shall not apply to:
- (a) transactions directly involving the fueling of MOTOR VEHICLES at a retail outlet or BULK PURCHASER-CONSUMER facility, where the person selling, offering, or supplying the GASOLINE demonstrates as an affirmative defense that the exceedance of the pertinent standard was caused by GASOLINE delivered to the retail outlet or BULK PURCHASER-CONSUMER facility prior to October 15th. If a GASOLINE storage tank received its last delivery before October 15th, GASOLINE dispensed from that tank will be exempt from enforcement of Subsections 54.2.1, 54.2.2 and 54.5 until the date that the first delivery is made after November 1st.
 - (b) a sale, offer for sale, or supply of CBG to a REFINER if:
 - (1) the REFINER FURTHER PROCESSES the GASOLINE at the REFINER'S REFINERY prior to any subsequent sale, offer for sale, or supply of the GASOLINE, and
 - (2) in the case of standards applicable only to PRODUCERS or IMPORTERS, the REFINER to whom the GASOLINE is sold or supplied is the PRODUCER of the GASOLINE pursuant to Section 54.
 - (c) GASOLINE with an octane rating of 98 or greater (R+m)/2, also known as "Racing Fuel":
 - (1) fuel within this category shall contain the following maximum sulfur and aromatic hydrocarbon content:
Sulfur - 10 ppm by weight
Aromatic Hydrocarbons - 30% by volume
 - (2) The requirements of the following sections shall not apply to *Racing Fuel*:

Section 54.3: Election of the Averaging Compliance Option for a GASOLINE Supplied from a Production or IMPORT FACILITY;

Section 54.4: DESIGNATED ALTERNATIVE LIMITS;

Section 54.5: Election of the Flat Limit Option for a GASOLINE Supplied from a Production or IMPORT FACILITY.

54.1.4 Registration: Each PRODUCER and IMPORTER OF CBG shall register with the Air Pollution Control Division by August 1, 1999 or in advance of the 1st date that such person will produce or import CBG or CBGBOB. Registration shall be on forms prescribed by the Air Pollution Control Division and shall include a statement of acceptance of the standards and enforcement provisions of this regulation; and shall include a statement of consent by the registrant that the Air Pollution Control Division shall be permitted to collect samples and access documentation and records. The Air Pollution Control Division shall maintain a listing of all registered suppliers.

54.2 Standards

54.2.1 Standards for Sulfur Content

54.2.1.1 **Maximum** sulfur standard for all CBG. No person shall sell, offer for sale, supply, offer for supply, or transport CBG which has a sulfur content exceeding 80 parts per million by weight.

54.2.1.2 Additional **flat** sulfur standard for PRODUCERS and IMPORTERS. No PRODUCER or IMPORTER shall sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG which has a sulfur content exceeding 40 parts per million by weight, unless the transaction occurs during a period for which the PRODUCER or IMPORTER has elected to be subject to Subsection 54.2.1.3.

54.2.1.3 Sulfur **averaging** compliance option for PRODUCERS and IMPORTERS. A PRODUCER or IMPORTER may designate an "averaging compliance" period of any number of days up to the period of November 1 through the following March 31. No PRODUCER or IMPORTER shall, during such period for which the PRODUCER or IMPORTER has elected to be subject to this Subsection (54.2.1.3), sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG that on average for

the period has a sulfur content exceeding 30 parts per million by weight, unless elected:

- (1) A DESIGNATED ALTERNATIVE LIMIT for sulfur content has been established for the GASOLINE in accordance with the requirements of Subsection 54.4,
- (2) The sulfur content of the GASOLINE does not exceed the DESIGNATED ALTERNATIVE LIMIT, and
- (3) Where the DESIGNATED ALTERNATIVE Limit exceeds 30 parts per million, the excess sulfur content is fully offset in accordance with Subsection 54.4.2.(1).

54.2.2 Standards for Aromatic Hydrocarbon Content

54.2.2.1 **Maximum** aromatic hydrocarbon standard for all CBG. No person shall sell, offer for sale, supply, offer for supply, or transport CBG which has a aromatic hydrocarbon content exceeding 30.0 percent by volume.

54.2.2.2 Additional **flat** aromatic hydrocarbon standard for PRODUCERS and IMPORTERS. No PRODUCER or IMPORTER shall sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG which has a aromatic hydrocarbon content exceeding 25.0 percent by volume, unless the transaction occurs during a period for which the PRODUCER or IMPORTER has elected to be subject to 54.2.2.3.

54.2.2.3 Aromatic hydrocarbon **averaging** compliance option for PRODUCERS and IMPORTERS. A PRODUCER or IMPORTER may designate an “averaging compliance” period of any number of days up to the period of November 1 through the following March 31. No PRODUCER or IMPORTER shall, during such period for which the PRODUCER or IMPORTER has elected to be subject to this Subsection (54.2.2.3), sell, offer for sale, supply, or offer for supply from its PRODUCTION FACILITY or IMPORT FACILITY CBG that on average for the period has an aromatic hydrocarbon content exceeding 22.0 percent by volume, unless elected:

- (1) A DESIGNATED ALTERNATIVE LIMIT for aromatic hydrocarbon content has been established for the GASOLINE in accordance with the requirements of Subsection 54.4,

- (2) The aromatic hydrocarbon content of the GASOLINE does not exceed the DESIGNATED ALTERNATIVE LIMIT, and
- (3) Where the DESIGNATED ALTERNATIVE Limit exceeds 22.0 percent by volume, the excess aromatic hydrocarbon content is fully offset in accordance with Subsection 54.4.2(2).

54.3 Election of the Averaging Compliance Option for a Gasoline Supplied from a Production or Import Facility

54.3.1 A PRODUCER or IMPORTER selling or supplying a FINAL BLEND of GASOLINE from its PRODUCTION or IMPORT FACILITY may elect pursuant to this Subsection 54.3.1 to have the FINAL BLEND subject to the **averaging** compliance option for one or more of the following properties: sulfur, aromatic hydrocarbons.

54.3.2 In order to elect to have a FINAL BLEND subject to the averaging option for a GASOLINE property, the PRODUCER or IMPORTER shall notify the Clark County Health District Air Pollution Control Division of such election and of the estimated volume (in (BARRELS), the blend identity, the blend batch number, and location (including tank numbers) of the FINAL BLEND.

54.3.3 Once a PRODUCER or IMPORTER has made such an election under this Subsection 54.3.3 with respect to a GASOLINE property, all FINAL BLENDS subsequently sold or supplied from the PRODUCTION or IMPORT FACILITY shall be subject to the averaging compliance option for that property until the PRODUCER or IMPORTER elects in accordance with Subsection 54.5 to have a FINAL BLEND at the facility subject to the flat limit compliance option for that property.

54.4 Designated Alternative Limits

54.4.1 Assignment of a DESIGNATED ALTERNATIVE LIMIT (DAL).

- (1) A PRODUCER or IMPORTER that has elected to be subject to Subsections 54.2.1.3 and/or 54. 2.2.3 may assign a DESIGNATED ALTERNATIVE LIMIT (DAL) to a FINAL BLEND of CBG produced or imported by the PRODUCER or IMPORTER by satisfying the notification requirements in this Subsection 54.4.1. In no case shall a DAL be less than the sulfur or aromatic hydrocarbon content, of the FINAL BLEND shown by the sample and test conducted pursuant to Section 54.10, as applicable. If a PRODUCER or IMPORTER intends to assign

DALs for more than one GASOLINE specification to a given quantity of GASOLINE, the party shall identify the same FINAL BLEND for all DALs for the GASOLINE.

- (2) The PRODUCER or IMPORTER shall notify the Clark County Health District Air Pollution Control Division of the estimated volume (in BARRELS), the DESIGNATED ALTERNATIVE LIMIT (DAL), the blend identity, the location and the averaging compliance period (if known) of each FINAL BLEND receiving a DAL . This notification shall be received by the Clark County Health District Air Pollution Control Division when starting physical transfer of the GASOLINE from the PRODUCTION or IMPORT FACILITY, and in no case less than 12 hours before the PRODUCER or IMPORTER either completes physical transfer to the common carrier pipeline or commingles the FINAL BLEND.
- (3) For each FINAL BLEND receiving a DESIGNATED ALTERNATIVE LIMIT , the PRODUCER or IMPORTER shall notify the Clark County Health District Air Pollution Control Division with the following information for the FINAL BLEND; final volume, fuel properties as determined under Subsection 54.10.6 and date and time of the completion of physical transfer from the PRODUCTION or IMPORT FACILITY. This notification will be provided on the monthly summation report, Subsection 54.10.11. A FINAL BLEND receiving a DAL can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale in Clark County during the period of November 1 through March 31.
- (4) If, through no intentional or negligent conduct, a PRODUCER or IMPORTER cannot report within the time period specified in 54.4.1(2) above, the PRODUCER or IMPORTER may notify the Clark County Health District Air Pollution Control Division of the required data as soon as reasonably possible and may provide a written explanation of the cause of the delay in reporting. If, based on the written explanation and the surrounding circumstances, the Clark County Health District Air Pollution Control Division determines that the conditions of this Subsection 54.4.1(4) have been met, timely notification shall be deemed to have occurred.
- (5) The Clark County Health District Air Pollution Control Division shall maintain an electronic data base for tracking

and monitoring blend averages, DESIGNATED ALTERNATIVE LIMITS, shipment volumes, and other such parameters as deemed necessary. The sole purpose of this data base will be to ensure that the Sulfur and Aromatic Hydrocarbons content of final delivered blends is in compliance with the specifications of this regulation.

54.4.2 Additional prohibitions regarding CBG to which a DESIGNATED ALTERNATIVE LIMIT has been assigned.

- (1) Offsetting excess sulfur. Before or after the start of physical transfer from a PRODUCTION or IMPORT FACILITY of any FINAL BLEND of CBG to which a PRODUCER has assigned a DESIGNATED ALTERNATIVE LIMIT for sulfur content exceeding 30 parts per million, the PRODUCER or IMPORTER shall complete physical transfer from the same PRODUCTION or IMPORT FACILITY of CBG in sufficient quantity and with a DESIGNATED ALTERNATIVE LIMIT sufficiently below 30 parts per million to offset the mass of sulfur in excess of a limit of 30 parts per million. Offsetting shipments can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale during the period of November 1 through March 31. Offsetting shipments must be completed by March 31.
- (2) Offsetting excess aromatic hydrocarbons. Before or after the start of physical transfer from a PRODUCTION or IMPORT FACILITY of any FINAL BLEND of CBG to which a PRODUCER has assigned a DESIGNATED ALTERNATIVE LIMIT for aromatic hydrocarbon content exceeding 22.0 percent by volume, the PRODUCER or IMPORTER shall complete physical transfer from the same PRODUCTION or IMPORT FACILITY of CBG in sufficient quantity and with a DESIGNATED ALTERNATIVE LIMIT sufficiently below 22.0 percent by volume to offset the volume of aromatic hydrocarbons in excess of a limit of 22.0 percent. Offsetting shipments can have a date of physical transfer prior to November 1 if it can be demonstrated that the CBG in that FINAL BLEND is intended for sale during the period of November 1 through March 31. Offsetting shipments must be completed by March 31.

54.5 Election of the Flat Limit Option for a GASOLINE Supplied from a PRODUCTION or IMPORT FACILITY

- 54.5.1 A PRODUCER or IMPORTER selling or supplying a FINAL BLEND of GASOLINE from its PRODUCTION or IMPORT FACILITY may elect to have the FINAL BLEND subject to the flat limit compliance option in accordance with this Subsection 54.5.1. No such election may be made if there are outstanding requirements to provide offsets for the GASOLINE property at the facility.
- 54.5.2 A PRODUCER or IMPORTER shall notify the Clark County Health District Air Pollution Control Division when switching from the averaging compliance option to the flat compliance option. This notification shall be received by the Clark County Health District Air Pollution Control Division when starting physical transfer of the GASOLINE from the PRODUCTION or IMPORT FACILITY, and in no case less than 12 hours before the PRODUCER or IMPORTER either completes physical transfer to the common carrier pipeline or commingles the FINAL BLEND. The PRODUCER or IMPORTER will not be required to make further notifications unless and until they switch to using the averaging option as described in 54.4.1(2).
- 54.5.3 Once a PRODUCER or IMPORTER has made an election under this Subsection 54.5.3 with respect to a GASOLINE property, all FINAL BLENDS subsequently sold or supplied from the production or IMPORT FACILITY shall be subject to the flat limit compliance option for that property until the PRODUCER or IMPORTER elects in accordance with Subsection 54.3 to have a FINAL BLEND at the facility subject to the averaging compliance option for that property.
- 54.5.4 Once a PRODUCER or IMPORTER has made an election under this Subsection 54.5.4 with respect to a GASOLINE property of a FINAL BLEND at a PRODUCTION or IMPORT FACILITY, the PRODUCER or IMPORTER may not use any previously assigned DESIGNATED ALTERNATIVE LIMIT for that property to provide offsets pursuant to the applicable provision in Subsection 54.3 for any FINAL BLEND sold or supplied from the PRODUCTION or IMPORT FACILITY subsequently to the election.
- 54.6 GASOLINE Subject to PM Alternative Specifications Based on the Predictive Model [Reserve]**
- 54.7 Certified GASOLINE Formulations Resulting in Equivalent Emission Reductions Based on MOTOR VEHICLE Emission Testing [Reserve]**
- 54.8 Exemptions for GASOLINE Used in Test Programs [Reserve]**

54.9 Liability of Persons Who Commit Violations Involving GASOLINE that Has Not Yet Been Sold or Supplied to a MOTOR VEHICLE

54.9.1 For the purposes of this Subsection, each sale of CBG at retail, and each dispensing of CBG into a MOTOR VEHICLE fuel tank, shall also be deemed a sale or supply by any person who previously sold or supplied such GASOLINE in violation of this Subsection.

54.10 Sampling, Testing and Recordkeeping

54.10.1 The requirements of this Subsection shall apply to each PRODUCER IMPORTER, or TRANSPORTER that has elected to sell, offer for sale, supply, or offer for supply CBG. These requirements apply to CBG which has been produced, imported , or transported conforming with Subsection 54.2.1.2 (Sulfur Flat Standard); Subsection 54.2.1.3 (Sulfur Averaging Compliance Option); Subsection 54.2.2.2 (Aromatic Hydrocarbon Flat Standard); or Subsection 54.2.2.3 (Aromatic Hydrocarbon Averaging Compliance Standard). All records must contain a statement declaring whether the sample conforms to the *Flat Standard or Averaging Compliance Option*.

54.10.2 Sampling Procedures - In determining compliance with the standards set forth in Subsection 54.2, a sampling methodology acceptable per ASTM standards shall be used.

54.10.3 Test Methods - In determining compliance with the standards set forth in Subsection 54.2, the test methods presented in Table 1 shall be used. All identified test methods are incorporated herein by reference.

TABLE 1

Subsection	Gasoline Specification	Test Method
54.2.1	Sulfur Content	AS TM D 2622-94 AS TM D 5453-93
54.2.2	Aromatic Hydrocarbon Content	AS TM D 5580-95 or AS TM D 1319

54.10.4 Equivalent Test Methods - Whenever this Subsection provides for the use of a specified test method, another test method may be used following a determination by Clark County Health District Air Pollution Control Division that the other method produces results equivalent to the results with the specified method.

54.10.5 The Air Pollution Control Division or its designee will consider and allow the appropriate test reproducibility as allowed by ASTM when

enforcing these standards. Enforcement of the standards at locations where GASOLINE is sold, intended for sale, or made available for sale as a MOTOR VEHICLE fuel in Clark County, Nevada will be at the standard defined in Subsection 54.2.1.1 for sulfur content and 54.2.2.1 for aromatic hydrocarbon content.

- 54.10.6 Each PRODUCER shall sample and test for the sulfur and aromatic hydrocarbon content in each FINAL BLEND of CBG which the PRODUCER has produced, by collecting and analyzing a representative sample of GASOLINE taken from the FINAL BLEND, using the methodologies specified in Subsections 54.10.2 and 54.10.3. The PRODUCER shall maintain, for two years from the date of each sampling, records showing the sample date, identity of blend sampled, FINAL BLEND volume, sulfur, aromatic hydrocarbon content.
- 54.10.7 Determining whether CBGBOB complies with the standards for CBG: If a PRODUCER or IMPORTER has designated a FINAL BLEND as CBGBOB the sulfur and aromatic hydrocarbon content properties for compliance with Subsections 54.2 and 54.10 for that blend shall be determined by adding the specified type and amount of OXYGENATE to a representative sample of the FINAL BLEND of CBGBOB.
- 54.10.8 Each IMPORTER shall sample and test for the sulfur and aromatic hydrocarbon content in each shipment of CBG which the IMPORTER has imported by railway tankcars, trucks and trailers, by collecting and analyzing a representative sample of the GASOLINE, using the methodologies specified in Subsections 54.10.2 and 54.10.3. The IMPORTER shall maintain, for two years from the date of each sampling, records showing the sample date, product sampled, container or other vessel sampled, the volume of the shipment, sulfur and aromatic hydrocarbon content.
- 54.10.9 A PRODUCER or IMPORTER shall provide to the Clark County Health District Air Pollution Control Division any records required to be maintained by the PRODUCER or IMPORTER pursuant to this Subsection within 20 days of a written request from the Clark County Health District Air Pollution Control Division if the request is received before expiration of the period during which the records are required to be maintained.
- 54.10.10 All parties in the distribution chain (PRODUCER, IMPORTER, Terminals, Pipelines, Truckers, Rail Carriers, Retailers) must maintain transfer documents for a minimum of Two (2) years. The

records as a minimum must contain the type and date of transfer, blend identity, blend batch numbers, volume of transfer, container or transport type, test results, and certification that the fuel meets CAP standards.

- 54.10.11 Each PRODUCER or IMPORTER electing to sale, offer for sale, supply, or offer to supply CBG pursuant to this regulation shall provide a Monthly Summation Report to Clark County Health District Air Pollution Control Division no later than the 15th of the following month. This report shall provide as a minimum, reconciliation of the month's transactions relative to the requirements of Subsection 54.10.6. Updates or revisions to estimated transaction volumes for Subsection 54.4.1 (2) shall be included in this report.

54.11 Requirements Pertaining to Cleaner Burning Gasoline Blendstock for Oxygenate Blending (CBGBOB) and Downstream Blending

- 54.11.1 Requirements for OXYGENATE BLENDERS: Whenever an OXYGENATE BLENDER receives CBGBOB from a transferor to whom the OXYGENATE BLENDER has represented that he/she will add OXYGENATE to the CBGBOB, the OXYGENATE BLENDER must add to the CBGBOB OXYGENATE of the type(s) and amount (or within the range of amounts) identified in the documentation accompanying the CBGBOB.
- 54.11.2 No person may combine CBG which has been supplied from a production or IMPORT FACILITY with any non-OXYGENATE blendstock, other than vapor recovery condensate. A person may combine CBG with other blendstocks if it can be clearly demonstrated that the resulting GASOLINE will not be sold in Clark County.
- 54.11.3. Notwithstanding 54.11.2, the Clark County Health District Air Pollution Control Division may enter into a written protocol with any person to identify conditions under which the person may lawfully blend transmix or reprocessed transmix into CBG which has been supplied from its production or IMPORT FACILITY only if it is determined that the blending will not significantly affect the properties of the CBG.
- 54.11.4. Notwithstanding 54.11.2, a person may add non-OXYGENATE blendstock to CBG that does not comply with one or more of the CAP limits contained in sections 54.2.1.1 and 54.2.2.1 where the person obtains the prior approval of the Clark County Health District Air Pollution Control Division based on a demonstration

that adding the blendstock is a reasonable means of bringing the GASOLINE into compliance with the CAP limits.

54.12 Enforcement

Failure to comply with any Section of the Clark County Health District Air Pollution Control Regulations is subject to enforcement action, pursuant to Subsection 4.7. Penalties of up to \$10,000 per day per Section violated may be imposed, pursuant to Section 9. Variances can be requested, pursuant to Subsection 7.5.

- 54.12.1 All Parties in the distribution chain through the retail level must maintain transfer documents as specified in subsection 54.10.10. Any PRODUCER, IMPORTER, Terminal, Pipeline Operator, Trucker, Rail Carrier, or Retailer that fails to test and/or maintain records per Section 54.10; sells GASOLINE in Clark County not meeting the specifications of this regulation; or allows conventional GASOLINE to be commingled with Clark County CBG, is liable for violations and may be subject to the maximum penalties of this Section.



CLARK COUNTY HEALTH DISTRICT

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

MINUTES
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, April 22, 1999

The meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Colquitt and the Pledge of Allegiance held. Chairman Colquitt noted that she had been provided with Affidavit of Posting and Mailing of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavits will be incorporated into the Official Minutes.

Present:

Sherry Colquitt, RN	<i>Chairman, Las Vegas</i>
Paula Brown	<i>Vice-Chair, North Las Vegas</i>
Jim Christensen, MD	<i>Physician Member At-Large</i>
Susan Crowley	<i>Appointee, Henderson</i>
Amanda Cyphers	<i>Councilman, Henderson</i>
Robert Ferraro	<i>Mayor, Boulder City</i>
Paul Henderson	<i>Councilman, Mesquite</i>
Mary Kincaid	<i>Commissioner, Clark County</i>
Erin Kenny	<i>Commissioner, Clark County</i>
Gary Reese	<i>Councilman, Las Vegas</i>
Stephanie Smith	<i>Councilwoman, North Las Vegas</i>

Absent:

Donalene Ravitch, RN	<i>Appointee, Appointee, Boulder City</i>
Alice Fessenden	<i>Councilwoman, Mesquite</i>

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel:

Ian Ross, Esquire

APPROVED BOARD OF HEALTH
DATE 5/27/99 *mlg*

Staff:

Fran Courtney, RN; Michael Naylor; David Rowles; Clare Schmutz; Rose Bell, PhD; Karl Munninger; Mike Sword; Ed Wojcik; Glenn Savage; Mason McNinch; Mary Hahn; Eugene Ingalise; Ron Smolinski; Robert Yager; Lorraine Forston; Jeanne Palmer; Jennifer Sizemore; George Bertoty; Jacquelyn Raiche-Curl; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

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

CONSENT AGENDA:

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

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

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

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

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

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

- c. **Variance Request** - To Permit the Construction of a Public Swimming Facility in Conflict with the Nevada Administrative Code (NAC) Chapter 444. Public Bathing Places. Petitioner: Hard Rock Hotel & Casino/Adam Titus

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

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

Chairman Colquitt opened the public hearing.

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

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

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

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

Chairman Colquitt closed the public hearing.

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



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

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

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

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

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

Jack Greco, representing Nevada Gasoline Retailers, stated that a small technical correction in the formula for Section 54 (54.1.39c) It should read as follows: (*Gasoline with an octane rating of 98 or greater (R+M÷2) instead of (R+M) also known as "Racing Fuel".*) Staff concurred with the correction.

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

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

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

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

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

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

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

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

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

Member Reese moved to approve, Memorandum #06-99 with all the changes and conditions recommended by staff. This included the addendum to Memorandum #06-99 as Attachment II and the technical correction in the formula for Section 54 (54.1.39c) It should read as follows: (*Gasoline with an octane rating of 98 or greater (R+M÷2) instead of (R+M) also known as "Racing Fuel"*). The motion was seconded by Member Smith and carried unanimously.

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

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

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

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

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

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

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

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

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

III. REPORT/DISCUSSION/ACTION

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

Member Ferraro commented that the committee met and agreed to maintain Dr. Kwalick in the position of Chief Health Officer. Dr. Kwalick is doing an excellent job. Also, the committee agreed to provide Dr. Kwalick with a 5% merit raise and an additional year extension of the contract. Member Ferraro moved to approve the recommendations of the committee. Motion was seconded by Member Christensen and carried unanimously.

IV. HEALTH OFFICER & STAFF REPORTS

a. Dr. Kwalick, Chief Health Officer

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

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

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

b. David Rowles, Administrative Services Director

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

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

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

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

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

d. Clare Schmutz, Environmental Health Director

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

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

e. Glenn Savage, Environmental Health Supervisor

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

f. Michael Naylor, Air Pollution Control Director

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

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

V. CITIZEN PARTICIPATION

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

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

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

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

VI. INFORMATIONAL ITEMS

Duly Noted

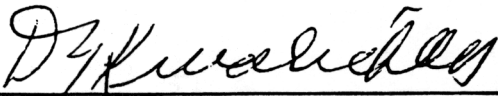
- 1 Financial Data
2. Listing of Food Establishments in Plan Review for the Period of 03/01/99 to 03/31/99
Environmental Health Division
3. Emergency Medical Services Advisory Board Annotated Agenda & Minutes
4. Air Pollution Control Monthly Report, March 1999 (Air Quality, Enforcement Activity and Permitting, Source Compliance, and Regulation Development and Dialogue with Southern Nevada Strategic Planning Authority)
5. Air Pollution Control Hearing Board Minutes & Annotated Agenda
& Hearing Officer Annotated Agenda
6. Air Pollution Control Particulate Matter (PM10) Minutes

7. Letter from Senator Majority Leader, William Raggio Regarding Allocation of Local Health Dollars
8. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

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

SUBMITTED FOR BOARD APPROVAL



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



CLARK COUNTY HEALTH DISTRICT

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

MEMORANDUM #06-99

TO: DISTRICT BOARD OF HEALTH

FR: Mike Sword, *Assistant Director, Air Pollution Control Division* *MS*
Michael H. Naylor, *Director, Air Pollution Control Division* *MHN*
Donald S. Kwalick, M.D., *Chief Health officer* *DK*

RE: Continuation of *Public Hearing to Consider Proposed APC Regulations Section 54 - Cleaner Burning Gasoline (CBG): Wintertime Program*

DT: April 22, 1999

I. DISCUSSION

Summary and Update from Last Month

Approval of proposed Regulation Section 54, as amended with suggested changes, will help assure attainment of the federal and local 8-hour CO standard of 9 ppm by the year 2000. At the public hearing last month, four individuals spoke, representing Clark County Comprehensive Planning, Western States Petroleum Association, Tosco Refinery, and a concerned citizen (Wanda McClenaghan). Nine letters were also presented. Suggested changes have been prepared (Attachment 2) to address comments from EPA (enforceability) and Rebel Oil (Racing Fuel). The suggested changes clarify requirements for Producers, Importers, Terminals, Pipelines, Truckers, Rail Carriers and Retailers (i.e. all parties in the distribution chain) to provide documentation and maintain records certifying the compliance of fuel sold in Clark County for the winter period of November 1 through March 31. A suggested alternative formulation for Racing Fuel will assure that it meets the same performance objectives as the proposed CBG specification.

Pages 2 and 3 address the concerns and comments from the EPA, industry representatives, and Rebel Oil concerning the proposed APC Regulation Section 54 - Cleaner Burning Gasoline (CBG) Wintertime Program. Pages 3, 4, 5 update the text presented last month.

In general, these proposed revisions focus on two elements of the regulation. First, several sections were revised to clarify and expand the enforcement provisions to ensure the quality of the delivered wintertime CBG gasoline. Secondly, a section was added to provide alternative specifications for the sulfur and aromatic hydrocarbon content of Racing Fuel (gasoline with an octane rating greater than 98). A flow Diagram is attached which depicts the structure of the proposed Regulation.

Suggested Changes and Additions to Clean Burning Gasoline Regulation

A. CCHD Air Pollution Control Division would be authorized via paragraph 54.1.4 to require that "Each Producer and Importer of CBG (Las Vegas Clean Burning Gasoline) shall register with the Air Pollution Control Division by August 1, 1999 or in advance of the 1st date that such person will produce or import CBG or CBGBOB." We suggest that the provision in 55.1.4 that registration "may include a statement of consent" by the registrant that the Air Pollution Control Division shall be permitted to collect samples and access documentation and records will be revised to read "shall include a statement of consent." Failure to register and allow sampling and documentation inspections, therefore, will constitute a "Failure to Comply" per paragraph 54.12, Enforcement.

B. To insure that CBG provided to Las Vegas produced by the **averaging compliance option** is within specified limits, the District will initiate a tracking data base. Within the requirements of Section 54.4, Designated Alternative Limits, this data base will track the Sulfur and Aromatic Hydrocarbons content of individual blends to ensure adequate offsets.

C. Additional assurance regarding CBG quality will be maintained as a result of random testing by California (or locally) based testing companies under contract to the Health District. Per the requirements of paragraph 54.4.1 (2), producer/importers must notify CCHD APCD no less than 12 hours prior to physical transfer or commingling of the final blend. This paragraph will be revised to include transfers to the carrier pipeline. APCD will, on a random basis, request a batch sample be tested by an independent testing laboratory prior to the shipment. A Testing Protocol is currently in work.

D. The majority (some 99%) of the fuel supplied to Las Vegas will travel through the Kinder-Morgan pipeline from refiners and ship off-load areas on the coast of Los Angeles and Long Beach. At Colton, California (near San Bernardino), the Kinder-Morgan pipeline transfers to the Cal-Nev Pipeline. Kinder-Morgan has a ten-day minimum notification rule for scheduling the transfer of fuels, and utilizes a specific "code" for each different blend identification. These codes and records will be routinely provided to the Health District (as noted by the revisions to section 54.10) and will ensure proper identification of "Clark County CBG".

E. Section 54.10, Testing and Recordkeeping of the proposed regulation has a new suggested statement requiring all parties in the distribution chain to maintain all transfer documents for a minimum of Two (2) years. A suggested revision to paragraph 54.12 states that anyone violating this requirement will be subject to enforcement action.

F. Each importer shall be regulated as a party to the "Distribution Chain" which by the suggested addition of paragraph 54.10.5 to Section 54, will include trucks and rail carriers. Testing and recordkeeping requirements of Section 54.10 applies to these entities. The District may exercise its option to randomly sample individual shipments for compliance to recordkeeping requirements.

G. A paragraph is suggested for Section 54.1 allowing alternative specifications for the Sulfur and Aromatic Hydrocarbon standards of racine fuel (Gasoline with an octane rating greater than 98 (R+M)/2. (See letter from Rebel Oil (letter #13). Enforcement will be conducted by random sampling at the retail pump, and all testing and recordkeeping requirements will apply. The provision for a slightly higher Aromatic content is offset by a lower limit for Sulfur content.

UPDATES TO MEMORANDUM #3-99 DATED 3-25-99

Benefits of Cleaner Burning Gasoline

The Valley is classified 'serious non-attainment' for Carbon Monoxide (CO) by the Environmental Protection Agency (EPA). To assist the Clark County Board of Commissioners in their goal of reaching attainment of the air quality standard for public health, the Health District is recommending a Cleaner Burning Wintertime Gasoline (CBG), also known as reformulated gasoline. The proposal would limit maximum allowed levels of sulfur and aromatic hydrocarbons in wintertime motor vehicle gasoline sold in Clark County, starting November 1, 1999. These limits would lower CO emissions from gasoline-powered motor vehicles by approximately 28 tons per day or by 9.6%.

The current state and local gasoline regulations for Reid Vapor pressure (Nevada Division of Agriculture) and oxygen content (Health District) would not be changed.

If adopted by the Board of Health, the amended regulations will be submitted to the EPA as amendments to the Clark County State Implementation Plan (SIP) for CO.

Supply

All gasoline supplied to the gasoline stations within the state of California is reformulated and currently meets the proposed specifications for sulfur and aromatic hydrocarbons in Clark County. However, the gasoline supplied and required within

April 22, 1999

California does not meet the current local and state requirements for minimum oxygen (3.5% oxygen by weight, which can **only** be achieved by **ethanol** or other alcohol) and maximum vapor pressure (9 psi).

Typical consumption in California is 38 million gallons per day. Typical consumption in Clark County is 1.5 million gallons per day.

Consumer Costs, Taxes and Fuel Economy

The retail price of gasoline is variable. Variations in prices appear to be based on supply, demand and production costs. It is estimated that consumer's incremental cost of cleaner burning gasoline should be about 2 to 5¢ more per gallon. This range is the difference between the conventional gasoline wholesale prices and the reformulated gasoline wholesale prices in Los Angeles, as compiled by the Department of Energy. At five cents per gallon, a motorist using 15 gallons per week would pay another 75 cents per week for gasoline if the production cost was passed on in the retail price of gasoline.

Retail prices include the cost of production, transportation, dealer charges and taxes. Total county, state and federal taxes are about 52 cents per gallon.

The energy content of the fuel would not be lowered. We anticipate no detectable drop in fuel economy.

Recent price increases in gasoline dramatize the market volatility. Reasons cited include speculation on increases in the global price of crude oil and reduced output from California refineries due to two fires in the Bay area.

Specifications for Aromatics and Sulfur In Cleaner Burning Gasoline

The following gasoline specifications are proposed. There are two alternative ways to be in compliance.

PROPOSED SPECIFICATIONS FOR CLARK COUNTY CLEANER BURNING GASOLINE

	COMPLIANCE METHOD		COMPLIANCE METHOD	
	I		II	
	<u>FLAT LIMIT</u>		<u>AVERAGE</u>	<u>CAP</u>
Sulfur, ppm	40		30	80
Aromatic Hydrocarbons percent	25		22	30

To meet the flat limit in Method I, each gallon transported to Clark County must comply.

Under Method II, a marketer can demonstrate, through record keeping, the average level is being met while no retail gallon sampled can exceed the CAP.

Consultation with Public, EPA and Affected Industry

The staff has been meeting with interested citizens and affected industry for over a year. The District sponsored five workshops which have been attended each time by 40-60 persons. The proposed Section 54 has been revised several times based on industry comments, particularly from Western States Petroleum Association (WSPA). An issue of debate has been a characterization of projected future vehicle emissions. WSPA contends that new motor vehicle emission factors (known as T2AT) in development at EPA will result in lower emissions by 2001 than the emissions estimated by the currently approved emission factors (known as Mobile 5b).

The Department of Comprehensive Planning advises us that they will use Mobile 5b for the calculations of emissions and air quality with respect to the attainment demonstration. For informational purposes, they will also show the results of the T2AT factors. *The Department's recent calculations using T2AT showed that it will not achieve near term attainment, but will offer greater insurance for attainment in the long term (5 - 20 years).*

Vehicles operated by the School District and the Air Pollution Control Division have been using California reformulated gasoline for over a year, to demonstrate its use and to comply with the State's mandatory alternative fuels program for municipal vehicles. The School District's positive experience with the fuel is compiled in their attached letter.

II. PUBLIC NOTIFICATION/RESPONSE

The notice was sent to over 400 individuals and companies and publicly noticed in the Las Vegas Review Journal on February 14, February 28 and March 14, 1999.

III. COMMENTS FROM PUBLIC AND THE EPA

To date, we have received letters from Nevada Petroleum Marketers & Convenience Store Association, Mr. John Marchese, Andrea Banks of Air Care, Clark County School District, USEPA (2 letters), Clark County Department of Comprehensive Planning, Rebel Oil Company, and Tosco Corporation. Several telephone conferences have been

held with Mr. Ervin Pickell of the EPA regarding Producer registration, enforcement and recordkeeping issues.

ATTACHMENTS

1. Flow Diagram
2. Proposed Section 54 with suggested changes
3. Technical Support Document
4. Notice of Proposed Action
5. Letters from: Nevada Petroleum Marketers & Convenience Store Association
John Marchese
Andrea Banks, Air Care
Clark County School District
Environmental Protection Agency
Clark County Department of Comprehensive Planning
Tosco Corporation
2nd Letter from Environmental Protection Agency
Rebel Oil Company

Attachment 1: Flow Diagram



PROPOSED REGULATION SECTION 54 - CBG

FLOW DIAGRAM

flowcbg.doc

54.1 Applicability of Standards; Additional Standards;
Registration

54.2 Standards

54.2.1 Standards for Sulfur

54.2.2 Standards for Aromatic Hydrocarbons

54.3 Election of Averaging Compliance Option
for gas supplied from a Production or Import
Facility

54.5 Election of Flat Limit Option for gas
supplied from a Production or Import Facility

54.4 Designated Alternative Limits

54.9 Liability of Persons Who Commit
Violations involving Gasoline that has not yet
been sold or supplied to a Motor Vehicle

54.11 Requirements pertaining to Cleaner
Burning Gasoline Blendstock for Oxygenate
Blending (CBGBOB) and Downstream Blending

54.10 Sampling, Testing & Recordkeeping

54.12 Enforcement

54.6 RESERVED

54.7 Gas Subject to PM Alternative Specifications based on the
Predictive Model

54.8 Certified Gasoline Formulations resulting in Equivalent Emission
reductions based on Motor Vehicle Emission Testing

54.9 Exemptions for Gasoline used in Test Programs

Attachment 3: Technical Support Document



CLARK COUNTY HEALTH DISTRICT

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

TECHNICAL SUPPORT DOCUMENT

CLEANER BURNING GASOLINE: WINTERTIME

The Board has set a Public Hearing for 8:00 AM, March 25, 1999, to be continued to April 22, 1999, to consider the attached proposed Section 54 {Cleaner Burning Gasoline (CBG): Wintertime Program}.

February 14, 1999
(some pages have been updated)

PREPARED BY:
AIR POLLUTION CONTROL DIVISION

For Questions, Call:

Michael H. Naylor, Director
(702) 383-1276

BENEFITS OF CLEANER BURNING GASOLINE

The Valley is classified 'serious non-attainment' for CO by the EPA. To assist the Board of Clark County Commissioners in the goal of reaching attainment, the Health District is recommending a Cleaner Burning Gasoline (CBG) also known as reformulated gasoline. We are recommending maximum allowed levels of sulfur and aromatic hydrocarbons in wintertime motor vehicle gasoline sold in Clark County, starting November 1, 1999. These limits would lower Carbon Monoxide (CO) emissions from gasoline powered motor vehicles by approximately 28 tons per day or by 9.6%.

The current state and local regulations for Reid Vapor pressure (Nevada Division of Agriculture) and oxygen content (Health District) would not be changed.

Adoption of these revisions will help assure attainment of the federal and local 8 hour CO standard of 9 ppm (by 2000). If adopted by the Board of Health, the amended regulations will be submitted to the Environmental Protection Agency (EPA) as amendments to the Clark County State Implementation Plan (SIP) for CO.

All gasoline supplied to the gasoline stations within the state of California is reformulated and currently meets the suggested specifications for sulfur and aromatic hydrocarbons. However, the gasoline supplied and required within California does not meet the current local and state requirements for minimum oxygen (3.5% oxygen by weight, which can **only** be achieved by **ethanol** or other alcohol) and maximum vapor pressure (9 psi).

Supply

Our gasoline suppliers are primarily based in California which already requires a stricter formula for reformulated gasoline. Typical consumption in California is 38 million gallons per day. Typical consumption in Clark County is 1.5 million gallons per day. Several suppliers report that they have refining and storage capacity available to provide the cleaner gasoline. The transportation network has the capacity to handle the cleaner gasoline. The local terminal may need about a six month notice to allow the handling of both conventional and low sulfur/low aromatic gasoline. The proposed date for implementation, November 1, 1999, will allow the local pipeline terminal and distribution facilities (Calnev and Rebel Oil) adequate time to make appropriate modifications.

TECHNICAL SUPPORT DOCUMENT
February 1999
(revised 3/12/99)

Consumer Cost and Fuel Economy

The retail price of gasoline is variable. Variations in prices appear to be based on supply, demand and production costs. It is estimated that consumer's incremental cost of cleaner burning gasoline would be about 2 to 4¢ more per gallon. At five cents per gallon, a motorist using 15 gallons per week would pay another 75 cents per week for gasoline if the production cost was passed on in the retail price of gasoline.

The energy content of the fuel would not be lowered. We anticipate no detectable drop in fuel economy.

Retail prices include the cost of transportation, dealer charges and taxes. Total county, state and federal taxes here are about 52 cents per gallon. Total taxes in Clark County are about six cents higher than total taxes in Southern California. Recent comparisons of retail prices in Southern California and Clark County show that gasoline prices are nearly identical when taxes are subtracted.

The Energy Information Administration of the Department of Energy routinely tracks 'spot prices' of conventional gasoline and reformulated gasoline in five major cities including Los Angeles. Spot prices refer to the wholesale price at the refinery gate.

During the last six months of 1998, the monthly spot price for conventional gasoline averaged from between 2.4 cents to 4.8 cents less than the spot price for reformulated gasoline. (See Appendix E).

Los Angeles reformulated gasoline is a stricter formulation than the one proposed today. Today's suggestions should result in lower production cost than Los Angeles reformulated gasoline. Los Angeles reformulated gasoline also includes an oxygenate. The oxygenate may account for half of the difference in spot price. Therefore, we presume the difference in wholesale price between conventional gasoline and for CBG will be as low as 2¢ per gallon.

Other estimates of cost differential are higher. A fact sheet from the California Air Resources Board (CARB), released in advance of the 1996 CARB Reformulated Gasoline Program, estimated an incremental production cost averaging about 10 cents per gallon.

For Arizona, it was estimated that the production cost for meeting California specifications is about 8.3 cents per gallon. This estimate is provided to the State of Arizona by Mathpro (Feb. 16, 1998).

TECHNICAL SUPPORT DOCUMENT
February 1999

In both the CARB and Arizona cases, the estimates of 8-10 cents includes the price of oxygenates which may account for half of the price differential.

In review, the range of price increases should be between 2 cents and 5 cents per gallon. For a consumer using 15 gallons per week for 20 weeks at 5 cents. The total additional cost per winter season is \$15.⁰⁰.

The Notice of Public Hearing will be based on just the material through the bottom of page 4. The target date for publication is Sunday, February 14, 1999.

Specifications for Aromatics and Sulfur In Cleaner Burning Gasoline

The following gasoline specifications are suggested. There are two alternative ways to be in compliance.

TABLE 1

**SUGGESTED SPECIFICATIONS FOR
CLARK COUNTY CLEANER BURNING GASOLINE**

	COMPLIANCE METHOD	COMPLIANCE METHOD	
	I	II	
	<u>FLAT LIMIT</u>	<u>AVERAGE</u>	<u>CAP</u>
Sulfur, ppm	40	30	80
Aromatics percent	25	22	30

To meet the flat limit, each gallon transported must comply.

Alternatively, a marketer can demonstrate, through record keeping, the average level is being met while no retail gallon sampled can exceed the CAP.

TABLE 2

CURRENT AVERAGE ACTUAL LEVELS OF SULFUR AND AROMATICS (REGULAR)

	JANUARY 1996	SUMMER 1997	JANUARY 1998
Sulfur ppm	114	68	83
Aromatic Hydrocarbons %	35	32	32

Source: AAMA

Consultation With Public And Affected Industry

The staff has been meeting with interested citizens and affected industry for over a year. The District sponsored five workshops which have been attended each time by 40-60 persons. The draft Section 54 has been revised several times based on industry comments, particularly from Western States Petroleum Association (WSPA). An issue of debate has been a characterization of projected future vehicle emissions. WSPA contends that new motor vehicle emission factors (known as T2AT) in development at EPA will result in lower emissions by 2001 than the emissions estimated by the currently approved emission factors (known as Mobile 5b).

The Department of Comprehensive Planning advises us that they will use Mobile 5b for the calculations of emissions and air quality with respect to the attainment demonstration. For informational purposes, they will also show the results of the T2AT factors.

Elements For Considering Cleaner Wintertime Gasoline

Please note, this section may be updated based on details forthcoming in the Department of Comprehensive Planning's CO SIP.

	<u>PAGE NO.</u>
1. Why is CO of Concern in the Wintertime?.....	5
2. Historical and Projected Motor Vehicle Emissions	7
3. Emissions Inventory for 1990, 1997 and 2001	7
4. Air Quality and Air Quality Trends	9
5. Determination of Design Value	12
6. Review of Current Controls for CO	12
7. Prediction of Future CO Concentrations.....	13
8. Compilation of Possible Controls	13
9. Review of State and Federal Requirements for Regulations Pertaining to Fuel.....	16
10. Evaluation of Possible Additional Control Measures.....	18
11. Forecast of Lower CO Design Value Due to Available Selected Controls.....	20
12. Rationale for Selecting Cleaner Burning Gasoline; Compliance with State and Federal Requirements.	20
13. List of Appendices	
Appendix A Emission Inventory Notes	
Appendix B Notes For Table 4	
Appendix C Notes For Table 9	
Appendix D History of Control Measure Development for Carbon Monoxide	
Appendix E Comparison Of Spot Prices (Cents Per Gallon)	

1. Why is CO of Concern in the Wintertime?

During the winter, the Valley experiences severe atmospheric temperature inversions. Inversions create a natural lid over the Valley limiting vertical mixing and dispersion. Inversions are associated with low winds or stagnation conditions.

The duration and intensity of sunlight depend on how much heat is supplied to the Valley floor. The inversion lid or height is higher in the summer because more heat is available. The lid is lower in the winter because less heat is supplied by the sun to the Valley. Please see Figure 1.

Example of Inversion

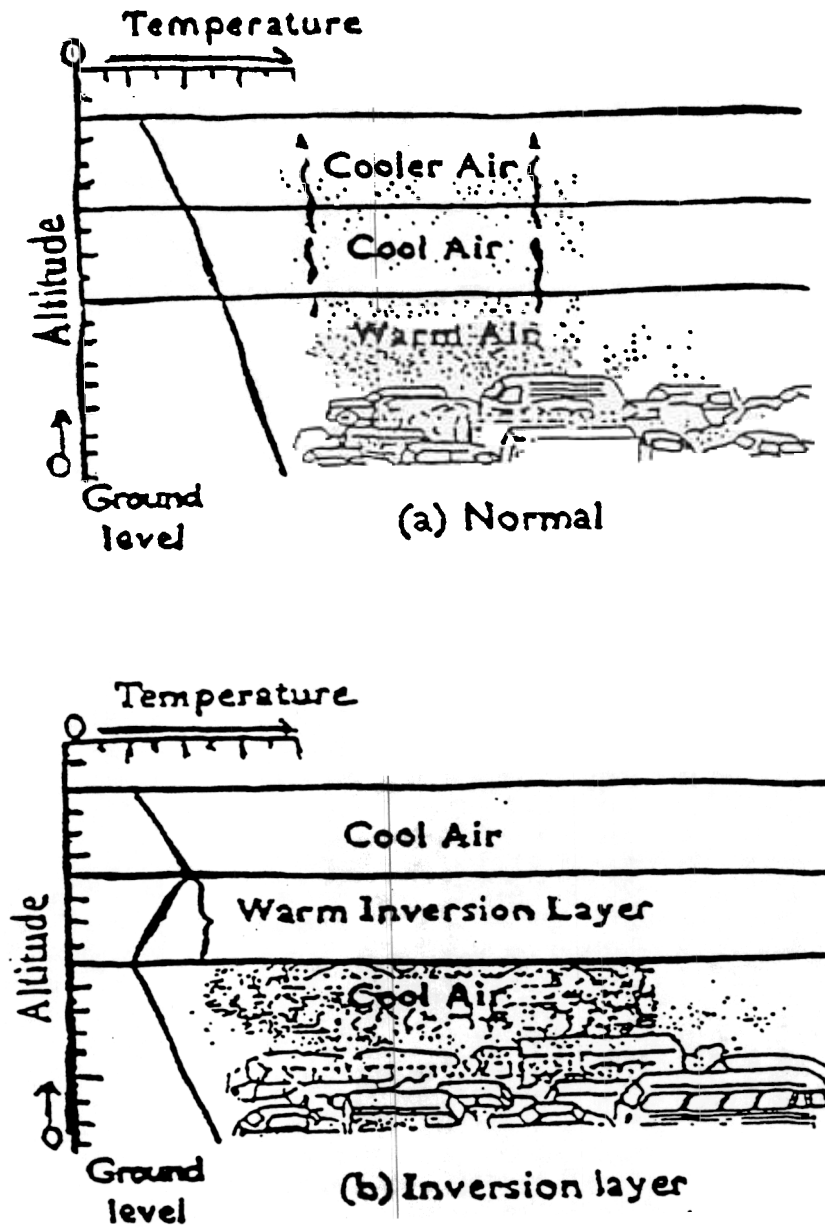


Figure 1

2. Historical and Projected Motor Vehicle Emissions

The District has compiled the following table based on our review of several documents.

TABLE 3
ESTIMATED ON-ROAD MOTOR VEHICLE
CARBON MONOXIDE EMISSION PROJECTIONS (Tons/Day)

JANUARY YEAR	VEHICLE CO EMISSIONS (TONS PER DAY)
1989	306 ¹
1990	308 ²
1997	330 ³
2001	298 ³
2010	339 ³
2020	469 ³

¹ 1995 SIP

² RTC 3/97

³ Clark County Department of Comprehensive Planning, January 1999

3. Emissions Inventory for 1990, 1997 and 2001

Most CO is emitted by gasoline powered vehicles which are classified as "on-road mobile gasoline". See Table 4. Derivations of the estimates are compiled in Appendix A.

TABLE 4

CO EMISSIONS INVENTORY FOR 1990 - 2001

Las Vegas Valley

Tons Per Day

		CO Jan 1990	CO Jan 1997	CO Jan 2001
A.	Areas Sources	5.0	5.3	5.5
	1. Consumer products	0	0	0
	2. Residential and commercial use of paints and solvents	0	0	0
	3. Residential/commercial space, water heating, cooking	0.9	1.2	1.2
	4. Fireplaces	2.1	2.1	2.1
	5. Other	2.0	2.0	2.2
B.	Stationary Sources (Facilities with Health District Operating Permits)	34.8	9.8	10.4
	1. Timet	28.4	3.2	3.2
	2. Other Stationary Sources	6.4	6.6	7.2
C.	On-road Mobile	308	330	298
	1. Gasoline	302	324	292
	2. Diesel light duty	1.0	1.0	1.0
	3. Diesel heavy duty	5.0	5.0	5.0
D.	Non-road Mobile	117.4	117.4	120.6
	1. Lawn & Garden Equipment	32.6	32.6	32.6
	2. Mobile Operations at stationary sources and construction sites (e.g. bulldozers)	37	37	37
	3. Aircraft & Airport Ground Support Equipment			
	Commercial	37.1	37.1	39.5
	Military	2.4	2.4	2.4
	4. Trains	0.3	0.3	0.3
	5. Recreational Vehicles	8.0	8.0	8.8
TOTAL		465	462	434

TECHNICAL SUPPORT DOCUMENT
February 1999

TABLE 5

MAXIMUM CARBON MONOXIDE LEVELS (8-HOUR) - 12/12-13/1998

Site Name (Location)	PSI	PPM
Shadow Lane	51	4.4
	67	5.8
	7	0.6
	58	5.0
	3	0.3
	45	3.9
	13	1.1
	27	2.3
Boulder City	5	0.4
	88	7.7
	126	10.3
	78	6.8
	11	1.0
	43	3.7

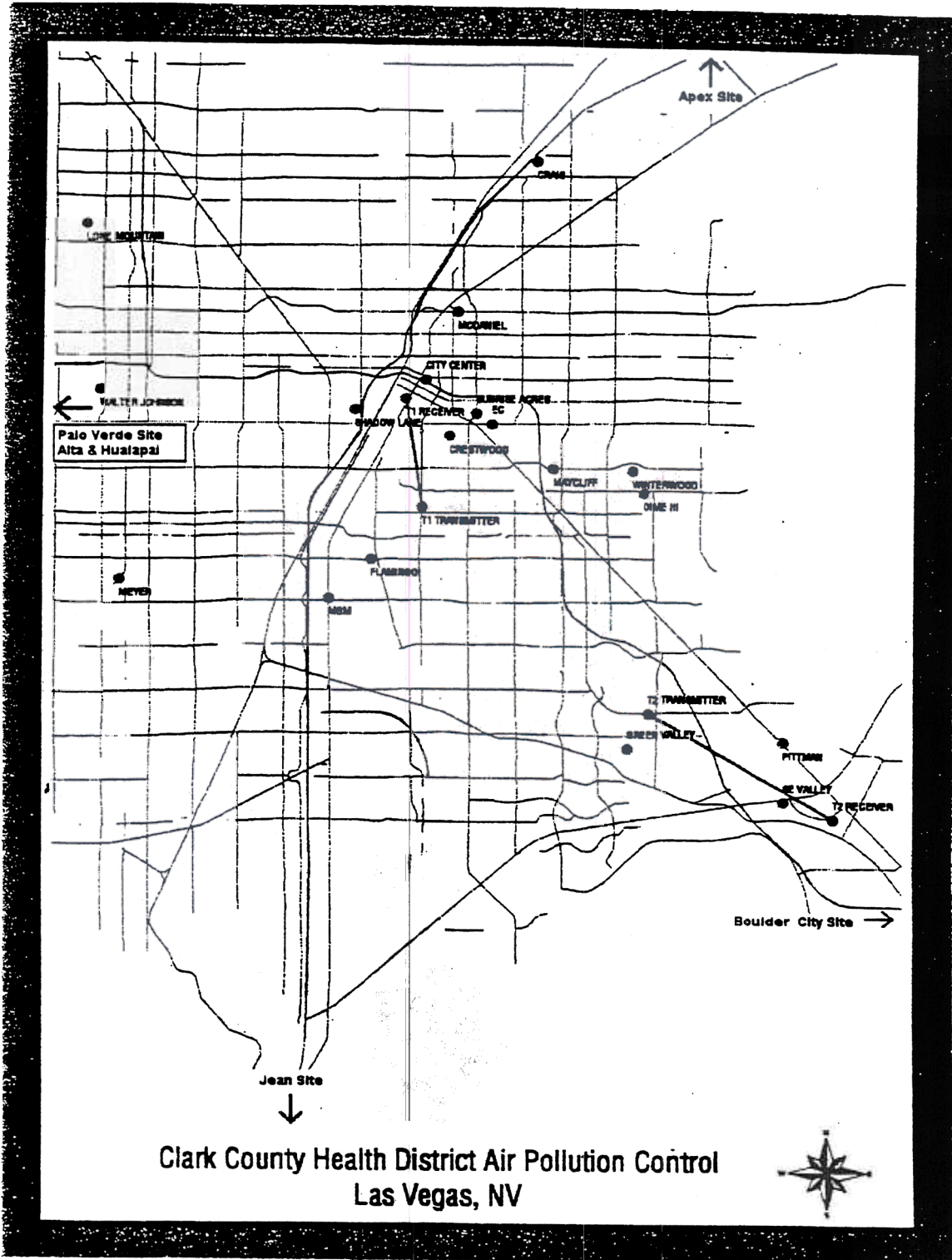


Figure 2

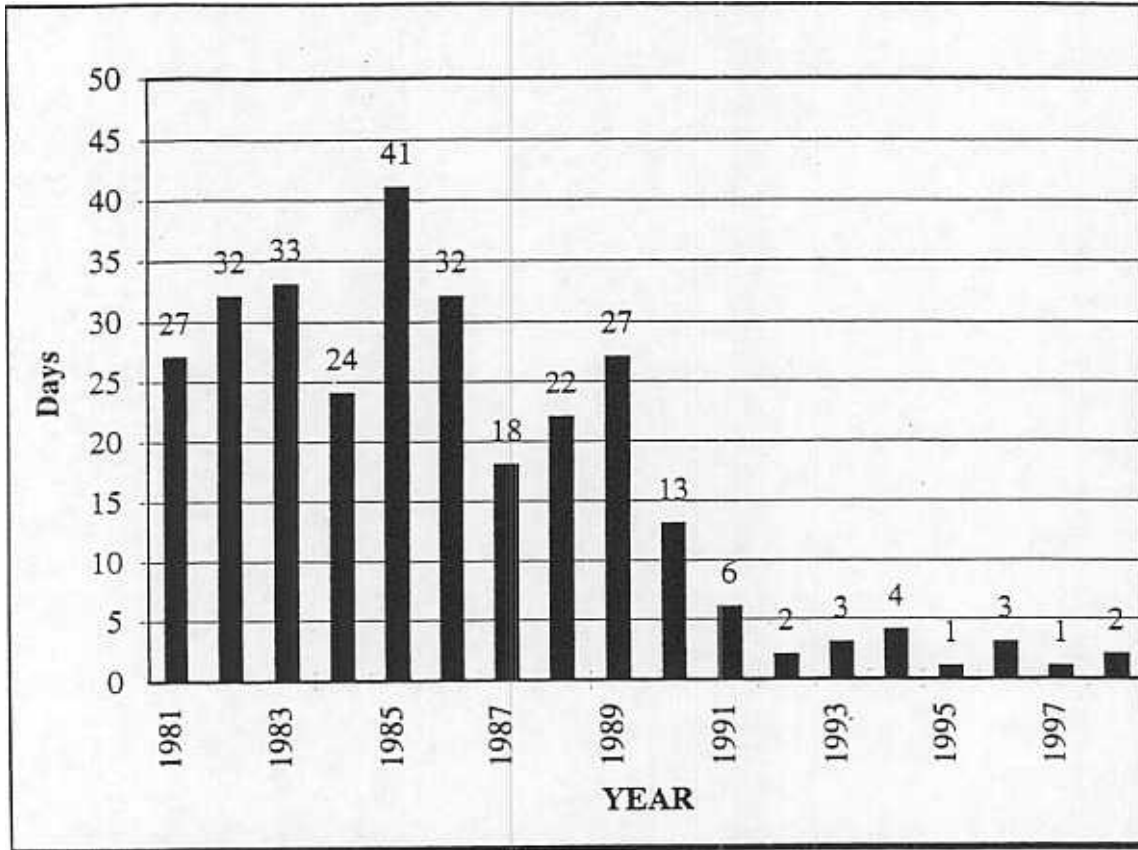


Figure 3

Exceedance Days At East Charleston / Sunrise Acres By Calendar Year

TABLE 6

**FIRST AND SECOND HIGH 8 HOUR CO AT SUNRISE AVENUE
(EAST CHARLESTON)**

TRENDS	FIRST HIGH (ppm)	SECOND HIGH (ppm)
1988	18.2	14.4
1989	13.1	12.2
1990	15.8	14.1
1991	12.6	12.1
1992	12.0	9.7
1993	11.9	9.9
1994	10.9	10.6
1995	10.2	9.2
1996	10.3	10.1
1997	10.1	8.1
1998	10.3	10.1

5. Determination of Design Value

The Design Value, has been estimated by ENVIRON to be 11.6 ppm for 1996.

This value is the predicted highest second high 8 hr. level for 1995-1996.

The location of this concentration is one half mile north of the Sunrise Acres Station.

6. Review of Current Controls for CO

Federal, State and Local efforts have been underway for decades to improve carbon monoxide. Federal emission control standards for new motor vehicles have been in place since the late 1960's. The Nevada smog check has been required for vehicle registration renewal since 1983. The Health District has required oxygenated gasoline since 1989. Most of the current control measures and their benefits are compiled in Table 7. See Appendix D for a history of the control measures.

TABLE 7

**ESTIMATES OF REDUCTION AND COSTS OF CURRENT PROGRAMS
FOR CONTROLLING CO**

		ESTIMATED BENEFIT TO CO (TPD)	ANNUAL COST TO COMMUNITY (MILLIONS)	\$ COST PER TON CO
1	RTC'S 2:1 MONTHLY TRANSIT PASS	1.3 - 2.6 ¹	\$0.8	\$800 - \$1700
2	TRAFFIC FLOW IMPROVEMENTS AT EAST CHARLESTON/EASTERN	0.8 - 2.4 ²	\$0.1 ³	N/A
3	NEVADA PRESSURE LIMIT FOR GASOLINE	13 - 21 ^{4,5}	\$3.8	\$500 - 800 ⁶
4	HEALTH DISTRICT'S OXYGENATED GASOLINE	30 - 48 ⁷	\$12.5 ⁸	\$720 - \$1140
5	NEVADA SMOG CHECK/REPAIR	30 - 48 ⁹	\$21 ¹⁰	\$1270 - \$2010 ¹¹
6	FEDERAL MOTOR VEHICLE EMISSION CONTROL PROGRAM	1500 ¹²	\$40 - \$80 ¹³	\$70 - \$140 ¹⁴
7	FIREPLACE ORDINANCE	1.6 ¹⁵	\$1	\$4900
	TOTAL:		\$79 - \$120	

Footnotes are explained in Appendix B.

7. Prediction of Future CO Concentrations

The following information summarizes results of urban airshed modeling performed by ENVIRON for the Clark County Department of Comprehensive Planning. The distribution of CO concentrations throughout the Valley is illustrated in Figures 4 and 5. The predicted concentrations are reasonably consistent with the concentrations measured on December 12, 1998 as compiled in Table 5.

TABLE 8

**PREDICTION OF MAXIMUM CONCENTRATION IN THE URBAN AIRSHED
LOCATION IS NORTH OF SUNRISE ACRES STATION**

December 1996	11.6 ppm
December 2000	10.0 ppm
Attainment	9.0 ppm

8. Compilation of Possible Controls

Staff has evaluated a number of hypothetical, possible controls which are compiled in Table 9.

TABLE 9

ESTIMATES OF CO REDUCTIONS AND COSTS OF POSSIBLE PROGRAMS

		ESTIMATED BENEFIT TO CO (TPD)	ANNUAL COST TO COMMUNITY (MILLIONS)	\$ COST /TON	AVAILABLE & PRACTICAL FOR USE BY 2000	
1)	CLEANER BURNING GASOLINE (NOV 1 - MAR 31)	28.6	\$6.8 - \$13.6	\$650 - 1300	YES	
2)	SEPARATION OF SMOG TEST STATIONS FROM REPAIR STATIONS	42.7	\$12.5	\$800		NO
3)	TRANSPORATION CONTROL MEASURES: (OCT 1-MAR 31)	9	\$170	\$52,200	YES?	
4)	ALTERNATE FUELS FOR GOVERNMENT FLEETS	4	\$6.3	\$4,300	YES	
5)	LOWER SMOG CUT POINTS FROM 1.2% TO 1.0%	0.5	\$0.5	\$1,000	YES	
6)	EPISODIC WOODBURNING CONTROL	1.6	NEGLIGIBLE	\$0	YES	
7)	ONE WAY STREETS	0	NOT DETERMINED	UNDEFINED		NO
8)	ADD 600 BUSES TO CAT FLEET	29	\$135	\$12,750		NO
9)	ADD POWERFUL AIR PROPELLERS TO SUNRISE ACRES/EAST CHARLESTON	10% LOCALIZED REDUCTION	\$1	NOT APPLICABLE		NO

Day = 96343
Time = 15 to 11
Layer = 1

+ max = 11.6 ppm
min = 0.18 ppm

UAM 8-Hourly CO Concentrations

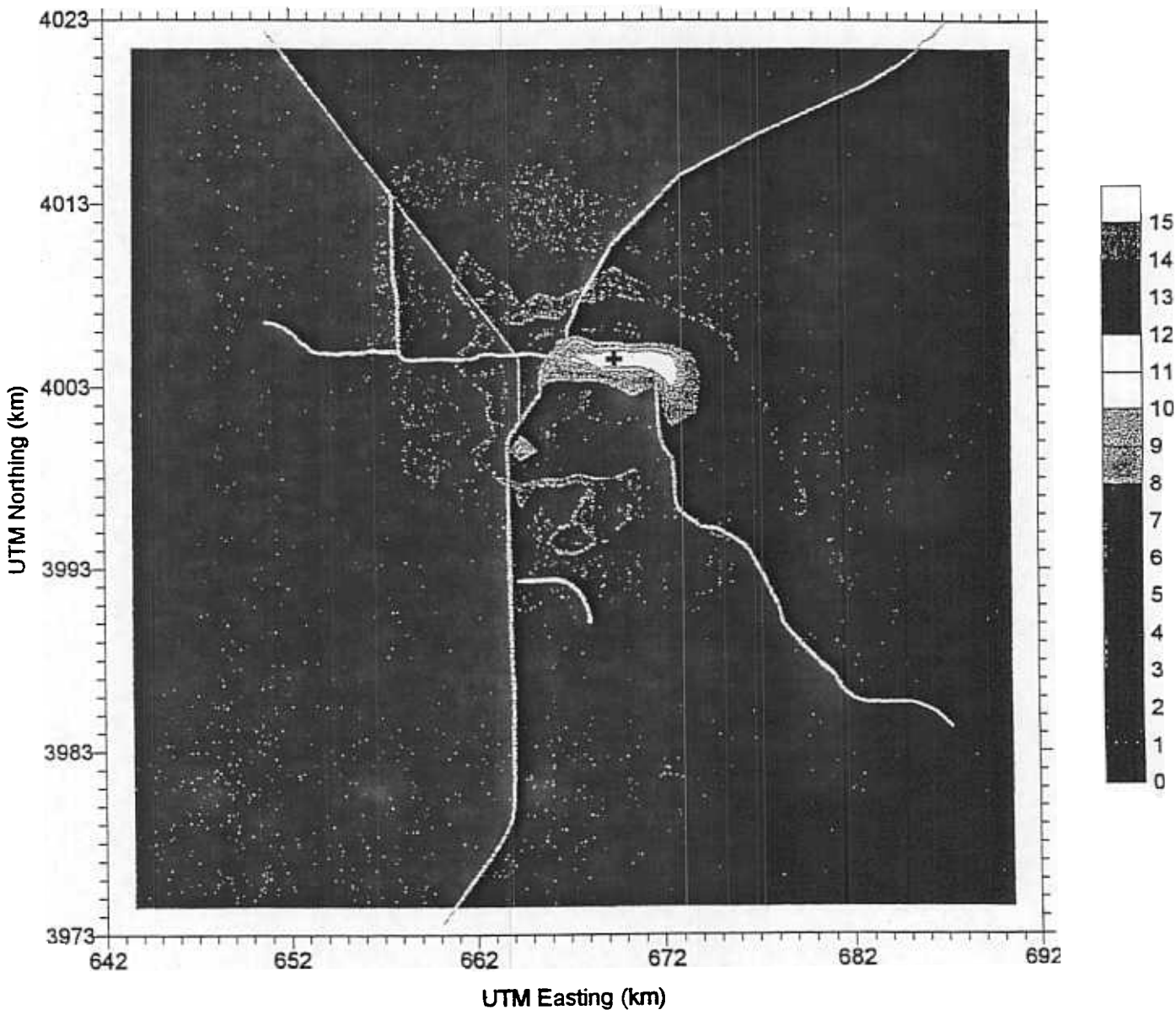


Figure 4. UAM Base Case for Dec 8-9, 1996

TECHNICAL SUPPORT DOCUMENT
February 1999

Day = 96343
Time = 15 to 11
Layer = 1

+ max = 10.0 ppm
min = 0.18 ppm

UAM 8-Hourly CO Concentrations

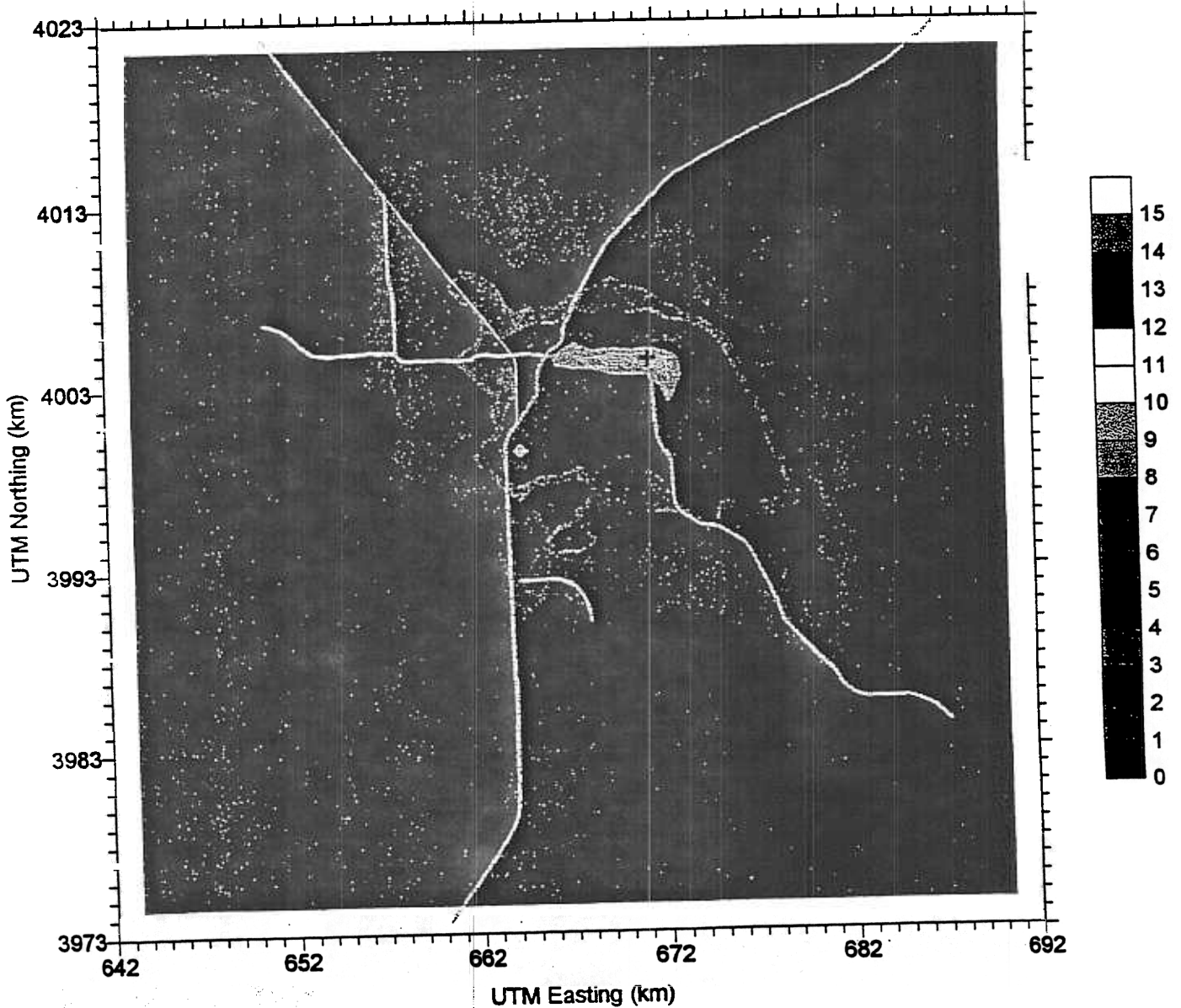


Figure 5. UAM Year 2000 Base Case

Workshop attendees have suggested other ideas as compiled in Table 10.

TABLE 10
COMPILATION OF SOME OTHER RECENT SUGGESTIONS
FOR REDUCING CO

(PROVIDED BY WORKSHOP ATTENDEES)

A.	Rebates for surrendering older technology lawnmowers
B.	Incentives for purchasing electric lawnmowers
C.	Conversion of portable ground support engines at airports to cleaner fuels
D.	Growth Limitations

9. Review of State and Federal Requirements for Regulations Pertaining To Fuel

Several components of State and Federal law pertain to the adoption of standards for motor vehicle fuel.

State Law Authority Requirements

In particular, NRS 445B.210 provides at paragraph 8, that "the Environmental Commission may establish fuel standards for both stationary and mobile sources of air contaminants. **Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.**"

Board of Health Has Fuel Standard Authority

Nevada Statute NRS 445B.500 provides (1)(a) "The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded." Paragraph (c) states "The district board of health... is designated as the air pollution control agency for the county for the purposes of NRS 445B.100 to 445B.640, inclusive,..." Paragraph (d) states "Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.450, inclusive,... are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction."

Three Part NRS Requirements For Enacting Fuel Standards Regulations

Finally, NRS445B.505 provides the following: “**Requirements for enacting ordinance or adopting regulation establishing fuel standards for mobile sources of air contaminants: Determination of cost effectiveness and feasibility; public meeting.**

Before a District Board of Health, county board of health or board of county commissioners, pursuant to the authority granted to it by NRS 445B.500, enacts an ordinance or adopts a regulation establishing fuel standards for mobile sources of air contaminants, the district board of health, county board of health or board of county commissioners shall:

1. Determine the cost effectiveness of the proposed ordinance or regulation by comparing it with other methods of controlling pollution.
2. Determine whether the proposed ordinance or regulation is technologically feasible based on evidence presented to the district board of health, county board of health or board of county commissioners relating to the availability, effectiveness, reliability and safety of any proposed technology when it is used for its proposed use.
3. Conduct public meetings to consult with public and private entities that would be significantly affected by the proposed ordinance or regulation.

(Added to NRS by 1997, 3229)”

Federal Requirements

There are some constraints contained in Section 211 of the Clean Air Act. Feedback from EPA suggests that the Board may have such authority if the regulations are addressing the air quality problems for which the Valley is designated non-attainment.

The preemption clause of the Clean Air Act according to Section 211C(4) states “A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the use of a fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under Section 110 so provides. The Administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is **necessary** to achieve the national primary or secondary ambient air quality standard which the plan implements. The Administrator may find that a State control or prohibition is necessary to achieve that standard if no other measures that would bring about timely attainment exist, or if other measures exist and are technically possible to implement, but are **unreasonable** or **impracticable**, the Administrator may make a finding of necessity under this subparagraph even if the plan for the area does not contain an approved demonstration of timely attainment.”

If the regulations to be adopted mandating Cleaner Burning Gasoline are submitted to EPA as a SIP revision, it will require the showing of **necessity**. That showing means that the Regulations must be necessary for achieving attainment of the carbon monoxide standard in order to qualify for preemption.

10. Evaluation of Possible Additional Control Measures

Based on the review of the applicable State and Federal requirements presented in Section 9, the following criteria must be met for the adoption of a fuel measure. Most of the criteria can also be used to evaluate other, non-fuel, control measures. An acceptable measure needs to satisfactorily meet all eight criteria.

- | | |
|-------------------------------|-----------------------------|
| 1) EFFECTIVENESS | (NRS 445B.505, paragraph 2) |
| 2) SAFETY | (NRS 445B.505, paragraph 2) |
| 3) COST EFFECTIVENESS | (NRS 445B.505, paragraph 1) |
| 4) AVAILABILITY OF TECHNOLOGY | (NRS 445B.505, paragraph 2) |
| 5) PRACTICABILITY | [CAA 211 C(4)] |
| 6) REASONABLENESS | [CAA 211 C(4)] |
| 7) RELIABILITY | (NRS 445B.5.5, paragraph 2) |
| 8) NECESSARY FOR ATTAINMENT | [NRS 445B.210, CAA 211(C4)] |

A measure can be screened out, or removed if it fails one or more criteria.

The following table, (Table 11) screens or deletes four out of nine control measures in Table 9 and leaves the following for further evaluation.

1. Cleaner Burning Gasoline
2. Transportation Control Measures
3. Alternate Fuels
4. Lower Smog Cut Points
5. Episodic Woodburning Control

The following are screened or deleted from further consideration because they fail one or more criteria.

TABLE 11

DELETION OF POSSIBLE CONTROLS

<u>SEPARATION OF TEST STATION FROM REPAIR STATIONS</u>	
Fails Availability Test:	Not available before 2002. Current test and repair program design being finalized this year. Design should not be changed without a four year notice. EPA's Mobile 5b emission factor program for motor vehicles provides the estimated benefit of separation of testing from repair. According to EPA, the combining of testing and repair diminishes the smog check program effectiveness because of fraud and a conflict of interest between the inspector and repair person. If the State can prove or design a system that eliminates fraud, EPA may not insist on such separation in order to qualify for the emission benefit.
<u>ONE WAY STREETS</u>	
Fails Effectiveness Test:	Not effective. This option has been dropped during reviews by RTC and LIMA.
<u>ADD POWERFUL AIR PROPELLERS</u>	
Fails Practical Test:	Not practicable because 100 towers would be need to be dispersed over about two square miles. Each tower would need authority to install from property owner. Property owner approval is deemed unlikely.
<u>ADD 600 BUSES TO CAT FLEET</u>	
Fails Availability Test:	Not available before 2002.

TABLE 12

ESTIMATES OF REDUCTIONS AND COSTS OF SELECTED AND AVAILABLE POSSIBLE PROGRAMS

		ESTIMATED BENEFIT TO CO (TPD)	ANNUAL COST TO COMMUNITY (MILLIONS)	\$ COST / TON
1)	CLEANER BURNING GASOLINE (NOV 1 - MAR 31)	28.6	\$6.8 - \$13.6	\$650 - \$1300
2)	TRANSPORATION CONTROL MEASURE (TCMS)	9	\$170	\$52,200
3)	ALTERNATE FUELS	4	\$6.3	\$ 54,300
4)	LOWER SMOG CUT POINTS FROM 1.2% TO 1.0%	0.5	\$0.5	\$1,000
5)	WOODBURNING CONTROL	1.6	NEGLECTIBLE	\$0

11. Forecast of Lower CO Design Value Due To Available Selected Controls

The following table summarizes the modeling calculations by the County's consultant, ENVIRON. The use of CBG provides the bulk of the reductions in CO concentration needed for attainment. The balance of this petition focuses on meeting State and Federal requirements for enacting fuel standard regulations.

TABLE 13

PREDICTION OF MAXIMUM CO CONCENTRATIONS FOR 2000

Attainment Requirement	9.0 ppm
Base Case (No Additional Controls)	10.0 ppm
Base + CBG	9.1 ppm
Base + CBG + TCMS	8.9 ppm
Base + CBG + TCMS + Alt. Fuels	8.8 ppm
Base + CBG + TCMS + Alt. Fuels + Woodburning	8.8 ppm
Base + CBG + TCMS + Alt. Fuels + Woodburning + Lower Cut Points	8.8 ppm

Source: ENVIRON, 1/99

12. Rationale For Selecting Cleaner Burning Gasoline; Compliance With State and Federal Requirements

Cleaner Burning Wintertime Gasoline meets the eight applicable State and Federal requirements.

- 1) **EFFECTIVENESS** (NRS 445B.505, paragraph 2)
According to Table 12, the reformulated gasoline will reduce gasoline vehicle CO by 28.6 TPD. This estimate is derived from EPA's Complex Model.
- 2) **SAFETY** (NRS 445B.505, paragraph 2)
The procedure for safely handling, transporting, storing and dispensing conventional gasoline applies to reformulated gasoline.
- 3) **COST EFFECTIVENESS** (NRS 445B.505, paragraph 1)
The strategy is within the ranges of \$/Ton ratios of existing measures in Table 7

- 4) AVAILABILITY OF TECHNOLOGY (NRS 445B.505, paragraph 2)
Presently, the fuel is refined in the State of California presently at a rate of approximately 38 millions gallons per day. Informal advice by California Energy officials indicates that additional local demand here of approximately 1.5 million gallons will not jeopardize the overall supply conditions.
- 5) PRACTICABILITY [CAA 211 C(4)]
The common use of reformulated gasoline in several states suggests that it is practicable.
- 6) REASONABLENESS [CAA 211 C(4)]
The common use of reformulated gasoline in several states suggests that it is reasonable.
- 7) RELIABILITY (NRS 445B.5.5, paragraph 2)
Substantial vehicle emission testing by vehicle manufacturers and by petroleum marketers document reliability of this measure. ('Auto-oil' studies).
- 8) NECESSARY FOR ATTAINMENT [NRS 445B.210, CAA 211(C4)]
As shown by Table 13, the measure is necessary for attainment.

The sum of the benefit of the other controls in Table 12, in the absence of CBG would not be adequate to achieve attainment.

Finally, **NRS 445B.505(3)**, see page 15, requires "Conduct(ing) public meetings to consult with public and private entities that would be significantly affected by the proposed ordinance or regulation.
(Added to NRS by 1997, 3229)"

This has been achieved with workshops and will also be accomplished with the requested public hearings.

In conclusion, using the complex model and the actual January 1996 aromatic and sulfur levels in Table 2, page 4, the combined reductions from on-road motor vehicles is approximately 9.6%. This is the only significant SIP measure in Tables 12 and 13 which will result in demonstration of attainment. Regulation of sulfur and aromatics is necessary for attainment. Reducing sulfur from 114 ppm (January 1996) to 30 ppm (average) will reduce CO by about 3.5%. Reducing aromatics from 35% (January 1996) to 22% (average) will reduce CO by about 7.1%.

Reduction of sulfur and aromatics in gasoline (CBG) is the most effective measures for reducing CO.

APPENDIX A

EMISSION INVENTORY NOTES

A. Area Sources

1. Residential Space, Water, Cooking
2. Emission Factor For Residential Furnaces 40 pounds/10⁶ CF
3. Residential Natural Gas Consumption is (1996)
12,800,000,000 CF
4. Annual Emissions are 256 TPY
5. Assume Winter Day is 50% Above Annual Average.
6. Average Winter Day is 1.05 TPD
7. Project to 1998 $1.05 \times 1.10 = 1.2$
8. Project to 2000 $1.05 \times 1.20 = 1.3$
9. Fireplace From Table 6-1, 1995 SIP

B. Stationary Sources

Emission Factors For Boilers and Furnaces
Range From 40 lb/10⁶ CF (Residential Furnace).
Large industrial boiler, uncontrolled to 60 lb/10⁶ CF.
Small industrial boiler with low NOx burner
Assume 50 lb/10⁶ CF
Natural gas to non-residential accounts 54,300,000,000 CF
Annual Emissions are 1358 TPY
Assume Winter Day is 20% Above Annual Average = 4.5 TPD
Project to 1998 $4.5 \times 1.10 = 4.9$ TPD
Project to 2000 $4.5 \times 1.20 = 5.4$ TPD

C. On-Road Mobile

Derived from Table 3.

D. Off-Road Mobile

1. Lawn Maintenance
Clark County Department of Comprehensive Planning, 2/99
2. Mobile Operations
Clark County Department of Comprehensive Planning, 2/99
3. Aircraft
Letter from Department of Aviation 12/98. Assume 1990 same as 1997.
4. Trains
SAI Documentation to Clark County 1996
5. Other
SAI Documentation to Clark County 1996. We adjusted the SAI estimate to reflect use of low RVP gasoline with 3.5% oxygen

APPENDIX B

NOTES FOR TABLE 7

- ¹ RTC Contract with Advertising Agency For 1997-1998 included loss of fare box revenue (cost \$800,000. Program is assumed to reduce gasoline vehicle emissions by 0.5% to 1% or by 1.6 to 3.2 TPD. Annualized daily cost is \$2,192. Cost per ton is \$800/Ton to \$1700/Ton.
- ² Benefit localized to East Charleston Area, compiled as 'insurance' measure in 1995 SIP.
- ³ The one time cost for traffic signal changes was less than \$100,000.
- ⁴ Gasoline vehicle emissions are reduced by 5% to 8% or by 13 to 21 TPD. Higher estimate based on joint project by Chevron, Texaco, ARCO, District and Division of Agriculture, See SAE paper by Rutherford et al.
- ⁵ Mobile 5 Benefit is about 15%.
- ⁶ Six month program 1.5 cents/gallon 250 million gallons. Annualized daily cost is \$10,471/Day. Cost/Ton is \$500/T to \$800/Ton.
- ⁷ Lower estimate based on statistical analyses of 11 Western states and draft Mobile 6 report. Mobile 5 reports 30% benefit.
- ⁸ Six month program @ 5¢/gallon, 250 million gallons. Emissions from GPMV are reduced by 10% to 15%. Emissions without oxygen ($\frac{260}{.90} = 300$) to ($\frac{288}{.85} = 306$) TPD

Reduction is (288-260 =) 28 to (306-260 =) 46.6. Annualized daily cost is \$34,250 per day. Cost per ton is \$790/Ton to \$1220/Ton.

- ⁹ The program achieves the same reduction as the oxygen program at 28 to 46 tons/day. Nevada Smog Check

¹⁰ 700,000 vehicles smog checks @ \$16 (11+5) certificate	\$ 11,200,000
50,000 vehicles repaired @ \$100.00 (1/2 of average waiver costs)	\$ 5,000,000
700 waivers @ \$200/vehicle. Lost time by motorists	\$ 140,000
700,000 x .75 hours x \$10/hour	<u>\$ 5,250,000</u>
TOTAL	\$ 21,590,000

- ¹¹ Annualized daily cost is \$59,151/day. \$1270/Ton to \$2010/Ton.
- ¹² Cumulative reduction since 1967.
The FMVECP has reduced emissions from GPMV by 85%.
- ¹³ Community purchases 80,000 new vehicles per year x (\$500 - \$1000) per vehicle for emission control systems. This results in \$40 Million to \$80 Million per year. The uncontrolled emissions are ($\frac{270}{0.15}$) 1800 tons per day.
The reduction is 1530 TPD.
- ¹⁴ The annualized daily cost is \$109,600/day to 219,200/day. The cost per ton is \$72/ton to \$143/ton.
- ¹⁵ Prohibition Program is assumed to reduce CO emissions by 80% or by (80% x 2.1 tpd) 1.6 tpd. Assume annual cost is 2 Million per year; 1 Million for October 1 through March 31.

APPENDIX C

NOTES FOR TABLE 9

1) CLEANER BURNING WINTERTIME GASOLINE

- a) Consumption of 1.5 million gallons per day at three cents per gallon x 151 days is \$6.8 million per year. Annualized daily cost is \$ 18,620 per day

Emission benefit is 28.6 TPD Cost/ton is $\frac{\$18,620}{28.6}$ is \$650/ton

- b) Consumption of 1.5 million gallons at six cents per gallon x 151 days is annualized \$13.6 million daily cost is \$37,230/day,

Emission benefit is 28.6 TPD. Cost per ton is \$1300/ton.

2) SEPARATION OF SMOG TEST STATIONS FROM REGULAR STATIONS

Assume that an additional 50,000 vehicles/yr will be identified and repaired at an average cost of \$250. This amount is the current shop repair cost of vehicles receiving a waiver. The annual cost is \$12.5 million or \$34,246 per day.

The incremental benefit is 15% of projected emissions of 254 tpd, resulting in reduction of 38.1 tpd.

$$\frac{\$34,246}{38.1} = \$900/\text{Ton}$$

3) TRANSPORTATION CONTROLS

Adapted from Table I-2 for Scenario A (population 1,128,800)

LIMA uses percentage reduction of vehicle emissions which include diesel vehicles.

	LIMA	X VEHICLE EMISSIONS	REDUCTION (TPD)
Congestion Pricing	1.52%	260	4.0
Trip Reduction Ordinance	1.06%	260	2.8
Telecommuting	0.34%	260	0.9
Work Schedule	0.36%	260	0.9

We assumed half of the LIMA annual cost would apply in the wintertime.

TECHNICAL SUPPORT DOCUMENT
February 1999

- 4) A prohibition program modeled after Washoe County should reduce wood burning emissions on an episode by 80%.
- 5) Derived from Health District letter to DMV, 1996.
- 6) Derived from Health District letter to DMV, 1996.
- 7) We assume that improvements being implemented in 1998 will reduce gasoline on road emissions by 5% or 12.7 tons per day. 10% of the vehicle population of 750,000 or 75,000 failure per year. At a repair cost of \$250 per vehicle, the annual additional repair cost is \$3.75 million. The \$/Ton is \$808/Ton. As a check, the improvement should identify 15,000 gross polluters. The average emissions from these vehicles is about

$$\begin{aligned} & (15,000 \text{ vehicles} \times 12000 \text{ miles} \times 50 \text{ mg/D} \times \text{conversion factor}) \\ & \qquad \qquad \qquad 9000 \text{ met tons year} \\ & \qquad \qquad \qquad 27 \text{ short tons/day} \end{aligned}$$

If the repairs are 50% effective, the estimate of 12.7 is valid.

8) Lowering Cut Points

A remote sensing survey in 1997 at an on-ramp for US95 showed a mean CO level of 1% in the exhaust of all vehicles sampled. According to Table 5B, the current composite emission factor is about 11.3gm/mile. For this analysis, we assume that 1% tailpipe CO is equivalent to an emission factor of 11.3gm/mile.

Assume that newer vehicles emit about 5gm/mile. The 1% cut point would correspond to about 11.3 gm/mile and 1.2% would correspond to 13.6 gm/mile. The average vehicle with CO between 1% and 1.2% emits 12.45 gm/mile.

Repairing the vehicle would reduce emissions to 5gm/mile. Lowering the cut point from 1.2 to 1 would increase the ID Rate from 0.7% to 2.7% of 1991 model vehicles of which there are 360,000 in the Las Vegas Valley. Repair is effective for two years.

Assuming annual mileage of 12,000 miles, the reduction is:

$$2\% \times 360,000 \times (12.45 - 5) \times 12,000 \text{ gm} \times \frac{11}{10^6} = 1235 \text{ TPY or } 3.4 \text{ TPD}$$

Annual cost to motorists:

$$2\% \times 360,000 \times \$250 = \$1.8 \text{ Million}$$

First year	\$/T =	$\frac{\$ 1.8 \text{ Million}}{1235 \text{ tons}}$	=	\$ 1458/Ton
------------	--------	--	---	-------------

Second Year	\$/T	$\frac{\$ 1.8 \text{ Million}}{1235 \text{ tons} \times 2}$	=	\$ 729/Ton
-------------	------	---	---	------------

APPENDIX D

HISTORY OF CONTROL MEASURE DEVELOPMENT
FOR CARBON MONOXIDE

Since 1985, carbon monoxide levels have been dropping. This can be measured by the number of exceedance events per year, the first high, the second high or the annual average.

Numerous regulatory initiatives have occurred at the federal, state and local levels since that time.

A SIP in 1982 forecast that the CO standard would be attained by 1987. This was to be accomplished by fleet turnover, the mandatory annual smog check program and the computerized traffic, the latter two starting in 1983. The smog check program, prior to 1983, only applied to vehicles being registered from out of state and change of ownership vehicles.

The opening of the US95 freeway from downtown to East Charleston in early 1987 was also expected to reduce vehicular emissions in the vicinity of the East Charleston station.

Unfortunately by 1987, attainment was not reached. Eighteen exceedance events were measured in 1987 and twenty-two events were measured in 1988. The first and second highs in 1988 were 18.2 ppm and 14.4 ppm.

In 1988, oxygenated gasoline was evaluated. Regulations were adopted in November, 1988 by the District Board of Health, effective November 1989. For the first season, the oxygen level was set to 2.5% oxygen by weight; the second season oxygen level minimum was set to 2.6%.

During 1989, exceedance days increased from 22 to 27 but the second high dropped from 14.2 to 12.2.

During 1990, the first full year of the oxygen program exceedance days dropped to 13 but the second high went back up to 14.1.

The 1990 Clean Air Act amendments mandated a nationwide program with a higher oxygen level of 2.7% for all non-attainment areas. Consequently, the Board of Health increased the level for the 1991-92 season to 2.7%.

Meanwhile, the availability of leaded regular gasoline was declining. By 1991, most marketers had discontinued its sale. We hypothesize that this arrested the tampering practice of mis-fueling vehicles with catalytic converters which cannot be fueled with leaded gasoline. We suspect that this tampering practice was negating some of the benefits of fleet turnover so that after this type of tampering was prevented, it stopped pattern of poisoning additional vehicle emission control systems. Thus, more of the benefit of fleet turnover could be realized.

TECHNICAL SUPPORT DOCUMENT
February 1999

By 1992, the exceedance events had dropped to 2 and the first and second highs had dropped to 12.0 ppm and 9.7 ppm respectively. The improvement from 1989 to 1992 appears to be mostly related to fleet turnover.

A new SIP was submitted by the County Commission in 1992, as required by the Clean Air Act. It forecast attainment by December 31, 1995. The principal new measure relied on, since the current measures were not projected to be adequate, was the separation of test stations from repair stations and the use of I/M dynamometer testing equipment.

The SIP used an urban airshed model to forecast concentrations throughout the valley. It predicted highest levels in the eastern part of the valley, east of Las Vegas Boulevard and between Flamingo and Desert Inn. A monitor was installed on East Flamingo, near Koval. Since 1993, it has measured relatively low concentrations. To help unravel recurring high concentrations of CO at the East Charleston area, a tracer experiment was undertaken. In 1994, the State declined to fund the I/M 240 program and at about the same time, EPA offered states more flexibility. EPA stated that I/M 240 would not be required if alternative measures could be implemented to achieve attainment.

In response, the Board of Health increased the oxygen content of ethanol blends and the Board of Agriculture lowered the wintertime vapor pressure of gasoline. A goal of a clean 1995 was pursued. In the fall of 1994, the Board amended the rules to require ethanol be blended to 3.5% for the middle part of the season, starting January 1, 1995.

The Board of Agriculture followed suit and ordered 9 RVP gasoline starting in November 1995. DMV mandated mechanics training which was implemented in 1997. A SIP was submitted in the fall of 1995 which forecast attainment by December 31, 1995. The SIP was never approved because of three exceedances that occurred in early 1996. However, EPA approved the attainment budget contained in the submittal which set motor vehicles emissions at 298 tons per day. The air quality modeling used a 'wedding cake' model which utilized dilution factors for consecutive emissions' cells. The factors were derived from the DRI tracer experiment. The model illustrated the significance of CO sources within one mile of the monitor.

Improvements to the smog check program continued. Computerized smog analyzers (BAR 84) were required in 1989. Analyzers with modems were required in 1996.

During 1997, smog stations authorized to do repairs had to have Class II mechanics who had been trained and certified for repairing emission control systems. Most recently, in March of 1998, the State Environmental Commission raised to a minimum amount of repairs to receive waiver from compliance to \$450.

TECHNICAL SUPPORT DOCUMENT
February 1999

APPENDIX E

COMPARISON OF SPOT PRICES (Cents Per Gallon)

1998

Motor Gasoline

	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
<u>Conventional Regular</u>						
New York Harbor	42.31	40.29	42.87	43.49	37.20	30.72
U.S. Gulf Coast	41.71	37.47	40.32	41.40	33.70	29.37
<u>Reformulated Regular</u>						
New York Harbor	44.01	41.34	43.94	44.74	39.40	32.36
U.S. Gulf Coast	44.16	39.59	42.40	43.10	36.97	31.47
Los Angeles	50.57	49.49	49.34	47.97	46.85	42.15

ftp://ftp.eia.doe.gov/pub/oil_gas/petroleum/data_publications/weekly/petroleum_status_report/current/txt/table13f.txt (1/6/98)

Attachment 5: Letters from

Nevada Petroleum Marketers & Convenience Store Association

John Marchese

Andrea Banks, Air Care

Clark County School District

Environmental Protection Agency

Clark County Department of Comprehensive Planning

Tosco Corporation

2nd Letter from Environmental Protection Agency

Rebel Oil Company



NEVADA PETROLEUM MARKETERS & CONVENIENCE STORE ASSOCIATION

RCVD APCD

1999 JAN -8 A 11: 37

OFFICERS

Jim Denham
President
D & G Oil Co., Inc.
Las Vegas

Dennis Moothart
Vice President
Carson Valley Oil
Carson City

Bryan Reed
PMAA Director
Reed Distributing
Ely

Peter Krueger
State Executive
NPM & CSA
Reno

DIRECTORS

Myneer Walker
Director - District 1
Petroleum Distributors
B

Stinson
Director - District 2
Berry Hindkley Industries
Reno

Peggy Smitten
Director - District 3
Smitten Tire & Oil
Fallon

Lyle Norcross
Director - District 4
Norcross Service Stations
East Ely

Mark Smith
Director - District 5
Morton's Flying J Travel Plaza
North Las Vegas

PAST PRESIDENTS

- Bryan Reed 1996/98
- Don Pollock 1994/96
- Tom Cotrell 1992/94
- Art Hindkley 1990/92
- John Haycock 1988/90
- Jim Smitten 1986/88
- Jon Madsen 1985/86
- Darwin Pilger 1983/85
- Jim Kuraisa 1982/83
- Clair Haycock 1981/82
- Archie Lani 1980/81
- Cort Bishop 1979/80
- Archie Lani 1978/79

January 6, 1999

Michael H. Naylor, Director
Air Pollution Control Division
Clark County District Health Department
P.O. Box 4426
Las Vegas, Nevada 89127

1 PAGE VIA FAX

Dear Mr. Naylor:

Our association is seeking assurance that the authority and procedures are in place to grant relief should a fuel emergency occur during the CBG Wintertime Program. Specifically, we believe that the public and all interested parties understand that should there be significant interruption of gasoline supply or an unreasonable price increase caused any of the components of cleaner burning gasoline (CBG), procedures are in place to immediately grant relief to the motoring public.

After reviewing Section 7 of the Air Pollution Control Regulations, I agree that the authority to grant variances to Section 54 (CBG Wintertime Program) rests with the Air Pollution Hearing Board. However, I believe it would be useful for you to restate this policy during the January 6, 1999 workshop and I would ask that my letter become part of the official record of that meeting.

Further, it appears that the three working day meeting notice provisions of the Nevada Open Meeting Law (NRS 241.020(2)&(5)) could be met in the case of a fuel emergency.

Therefore, it appears that regulatory safeguards are in place to maintain an adequate supply of gasoline at reasonable prices should a fuel emergency develop during Clark County's CBG Wintertime Program. However, our association remains unconvinced that the wintertime program is necessary at this time. We are also concerned that as product costs increase the likelihood of bootlegging and off spec gasoline entering the Las Vegas market accelerates.

Sincerely,

Peter D. Krueger
State Executive

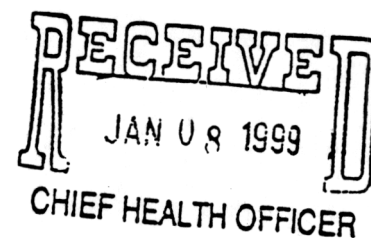


Dr. Kwalick

Clark County Health District Board

Box 3902

Vegas, Nevada 89127



January 8, 1999

Dear Dr. Kwalick,

am writing to you on a extremely important issue which is facing all the citizens of Las Vegas and the surrounding areas, and that is the ever increasing pollution in the Las Vegas Valley caused by carbon monoxide pollution.

As you are well aware there is a environmental proposal to curb the carbon monoxide pollution by using cleaner-burning gasoline to reduce emissions of carbon monoxide which robs the human body of oxygen. The air quality chief Mr. Michael Naylor from the Air Pollution Control Division has met with other members of the Western States Petroleum Association discussing this need for selling cleaner-burning gasoline which would decrease emissions by a reduced sulfur content and reduced amounts of aromatic hydrocarbons. As you know this type of gasoline is already being manufactured for use in California

The proposed plan to curb pollution by requiring the sale of reformulated gasoline would of course raise the cost of gasoline 2cents to 5 cents per gallon, but I am sure the majority of citizens who live in the Las Vegas Valley would be more than willing to pay such a small price for cleaner air

The Las Vegas Valley as you know is a serious nonattainment area for carbon monoxide pollution, according to the Environmental Protection Agency. Also the EPA has given the Health District until

December 31, 2000, to comply with the standard. That means that excessive levels of carbon monoxide must not be detected on more than one day for each of the next two years or else the district could be faced with federal mandates. As you know the Valley exceeded the standard twice last month.

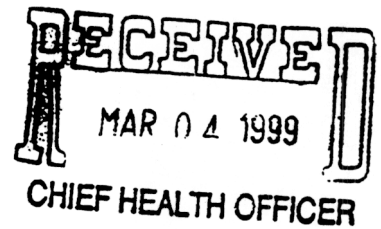
I truly urge the Clark County Health District board to adopt the plan of curbing carbon monoxide by the plan being considered.

Sincerely:

A handwritten signature in cursive script that reads "John Marchese". The signature is written in black ink and is positioned above the printed name.

John Marchese

Air Care
3049 Nordoff Circle
Las Vegas, NV 89121
(702) 731-6224



March 1, 1999

Chairman Sherry Colquitt,
C.C. District Board of Health
P.O.Box 3902
Las Vegas, NV 89127

Dear Sherry,

Re: Air Pollution Control Regulation, Section 54 CBG Wintertime Program.

AIR CARE is 100% in favor of the reformulated gasoline program starting Nov.1, 1999.

The Western States Petroleum Association squabble over anything which affects their bottom line. The difference is that their bottom line is money, and our bottom line is health, and they don't live here, and WE DO. Health must be the first regard of the Clark County Health Board.

Ten years ago we were pro-active in the oxy-fuel hearings, and the petroleum companies managed to deal with it, and it improved their research to improve their products. They can certainly manage the reformulated gasoline changes now. Our second industry is tourism, and if we don't get on top of this air quality, all those gorgeous hotel rooms will have NO views! The friends I have who are moving right to the mountains in Summerlin, look for views of the mountain sides, since they don't want to see the pea soup scenes in the city view sides. That's what we CAN see, so imagine how much more is in that soup of Carbon Monoxide and other colorless toxins, that we can't see.

I have always pointed out that the EPA "standard" is not a standard at all, but a limit. Just meeting that standard is by no means a healthful goal for our community. If we aim at half the standard the EPA uses, we may be able to get ahead of this problem instead of always playing catch-up, after the damage is done.

I know the Health Board tries to be democratic in hearing the needs of all sides. But there are conditions of health, where that isn't possible, as it is not fair to the community's health at large. If typhoid were the problem, I don't think we can be concerned with the quarantines that would keep employees from work, for instance. We must remember the enormous health damage from bad air to our citizens and especially our children and elders, over a period of time. I have read that one out of four people here have been treated for respiratory problems already. It effects alot more than that in depression, lethargy, sinusitis, headaches, etc. daily.

Also, I encourage you to remember that the petroleum industry has alot of catching up to do in the area of health concerns for people. They have a lousy track record for putting dollars before people in the past, and no matter what their claims, can easily manage this need for us to have cleaner fuels. If anything, they should be devising cleaner and cleaner fuels in their research laboratories, for the sake of our health and the environment, so they can bring US new ways to keep ahead of the growth and subsequent air quality problems we have.

Very truly yours,

Andrea Banks



CLARK COUNTY SCHOOL DISTRICT TRANSPORTATION DIVISION

4499 South Arville Street • Las Vegas, Nevada 89103 • Telephone (702) 799-8191 • Fax (702) 799-8191

RECEIVED
1999 MAR - A 10: 51

Ronald J. Despenza
Director

February 25, 1999

Clark County Health District
Michael Naylor
P.O. Box 3902
625 Shadow Lane
Las Vegas, NV 89127

Dear Michael,

The attached pages are the results of emission checks done on a variety of vehicles before and after using C.A.R.B. reformulated gasoline. The Clark County School District has been using reformulated gasoline since February 1998.

Sincerely,

A handwritten signature in cursive script that reads "Billy S. Key".

Billy S. Key
Vehicle Maintenance Coordinator

BSK/llh

c: David Broxterman
Ronald Despenza

2/25/99

RECEIVED
CCHD-APCD

1999 MAR 1 A 10: 5L
**Comparison of Regular Unleaded and C.A.R.B. Gas
MPG and Emission Figures for 1997 and 1998**

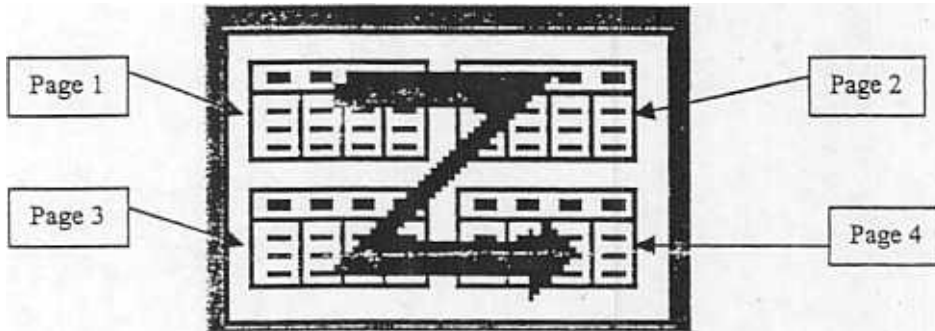
This report compares the fuel economy figures and emission test results for regular unleaded fuel with those for C.A.R.B. gas (reformulated gas) for a sample group of vehicles from our fleet. The 1997 figures represent the use of regular unleaded fuel and the 1998 figures represent the use of C.A.R.B. gas.

Vehicles were chosen to include different makes and models of vehicles, different service duty types and vehicles that were operated for this two-year period.

The comparison shows similar miles traveled for each year and an average increase in fuel economy of 0.7 miles per gallon. Average emission figures show a decrease of hydrocarbon and carbon monoxide output at both idle and cruise engine rpm.

Information sheet for fuel use and emission comparison report.

When viewing this report, the page layout is in the following format.



Page 1 contains vehicle information and fuel use comparison figures for 1997 and 1998.

Page 2 contains emission information for the vehicles listed on page 1.

Page 3 is a continuation of page 1 containing vehicle and fuel use figures.

Page 4 is a continuation of page 2 showing emission information for the vehicles listed on page 3

Comparison of Reg la Unleaded and C.A.R.B Gas
MPG and Emission Figures for 1997 and 1998

Vehicle #	Year	Make	Model
HS-S-77	89	CHEVROLET	CAPRICE STA WGN
A-X-111	88	PLYMOUTH	GRAN FURY SEDAN
FM-1-117	91	CHEVROLET	S10 PICKUP
FO-1-127	91	CHEVROLET	S10 PICKUP
A-X-166	90	CHEVROLET	CAPRICE SEDAN
FO-1-178	88	CHEVROLET	S10 PICKUP
FM-2-196	89	GMC	3/4 TON PICKUP
FM-2-215	91	CHEVROLET	3/4 TON VAN
FM-2-216	89	GMC	3/4 TON PICKUP
FM-2-222	87	CHEVROLET	3/4 TON PICKUP
FM-2-232	89	GMC	3/4 TON PICKUP
FM-2-253	86	DODGE	3/4 TON VAN
FM-2-259	87	DODGE	3/4 TON VAN
FM-1-271	90	GMC	1/2 TON VAN
FM-2-282	86	DODGE	3/4 TON VAN
FM-2-290	91	CHEVROLET	3/4 TON VAN
FM-2-298	85	GMC	3/4 TON PICKUP
FM-2-314	85	DODGE	3/4 TON VAN
FM-2-331	89	DODGE	3/4 TON VAN
A-X-510	89	CHEVROLET	CAPRICE SEDAN
BP-2-584	88	DODGE	3/4 TON VAN
FM-2-587	88	DODGE	3/4 TON VAN
BP-2-637	91	DODGE	3/4 TON VAN
FP-2-650	90	DODGE	3/4 TON PICKUP
A-S-660	91	FORD	AEROSTAR
A-X-664	91	CHEVROLET	CAPRICE SEDAN
FM-2-683	91	CHEVROLET	3/4 TON PICKUP
FO-2-684	91	CHEVROLET	3/4 TON PICKUP
A-S-782	90	FORD	AEROSTAR
FO-3-793	91	FORD	1 TON PICKUP
FP-1-800	91	CHEVROLET	S10 PICKUP
A-X-808	93	FORD	CROWN VICTORIA
A-X-814	93	FORD	CROWN VICTORIA
BF-2-833	76	GMC	3/4 TON VAN
F-X-928	89	CHEVROLET	CAPRICE SEDAN

98 Miles	97 Miles
4,780	6,032
2,994	3,094
7,366	8,325
13,043	17,134
5,049	8,573
10,220	11,027
6,573	6,298
14,593	15,853
6,889	7,596
7,299	6,030
12,578	11,208
7,309	8,592
9,462	7,973
8,901	10,318
5,222	6,249
9,034	12,506
7,534	7,557
7,378	7,919
11,708	11,572
4,617	4,641
7,020	4,724
7,749	10,647
9,655	10,368
3,255	3,517
9,419	15,258
3,531	13,815
13,931	16,112
9,153	7,751
12,744	17,187
8,127	10,079
5,870	10,410
17,297	21,342
21,276	25,240
1,264	1,733
11,903	6,447

98 Fuel	97 Fuel
249.9	349.7
211.6	222.5
342.2	421.4
686.2	950.4
458.3	816.4
505.0	548.1
509.2	473.8
804.2	892.2
645.8	873.3
548.7	504.1
1,096.0	944.0
490.6	679.6
1,016.3	903.0
692.0	786.7
410.8	502.7
622.0	936.1
593.8	629.8
577.3	749.2
930.4	982.3
446.2	388.1
507.7	406.4
576.2	858.8
798.7	822.4
327.6	360.6
261.2	444.9
295.6	1,120.4
961.7	1,095.7
916.4	1,221.8
791.4	1,026.7
1,171.2	1,662.7
241.8	472.1
997.9	1,384.2
1,383.0	1,736.9
145.3	204.4
444.6	303.1

98 MPG	97 MPG	+/-
19.1	17.2	1.9
14.1	13.9	0.2
21.5	19.8	1.8
19.0	18.0	1.0
11.0	10.5	0.5
20.2	20.1	0.1
12.9	13.3	-0.4
18.1	17.8	0.4
10.7	8.7	2.0
13.3	12.0	1.3
11.5	11.9	-0.4
14.9	12.6	2.3
9.3	8.8	0.5
12.9	13.1	-0.3
12.7	12.4	0.3
14.5	13.4	1.2
12.7	12.0	0.7
12.8	10.6	2.2
12.6	11.8	0.8
10.3	12.0	-1.6
13.8	11.6	2.2
13.4	12.4	1.1
12.1	12.6	-0.5
9.9	9.8	0.2
36.1	34.3	1.8
11.9	12.3	-0.4
14.5	14.7	-0.2
10.0	6.3	3.6
16.1	16.7	-0.6
6.9	6.1	0.9
24.3	22.1	2.2
17.3	15.4	1.9
15.4	14.5	0.9
8.7	8.5	0.2
26.8	21.3	5.5

**Comparison of Regular Unleaded and C.A.R.B. Gas
MPG and Emission Figures for 1997 and 1998**

Vehicle #	Year	Make	Model	98 Miles	97 Miles	98 Fuel	97 Fuel	98 MPG	97 MPG	+/-
AD-X-983	89	CHEVROLET	CAPRICE SEDAN	2,335	2,134	135.9	122.1	17.2	17.5	-0.3
FP-2-988	89	DODGE	3/4 TON PICKUP	6,495	7,033	556.3	574.2	11.7	12.2	-0.6
FP-2-989	89	DODGE	3/4 TON PICKUP	8,668	6,716	550.6	456.0	15.7	14.7	1.0
FP-2-991	89	DODGE	3/4 TON PICKUP	7,774	9,744	576.7	683.4	13.5	14.3	-0.8
FM-1-995	89	CHEVROLET	S10 PICKUP	6,496	5,860	289.7	266.6	22.4	22.0	0.4
BFS-1042	92	FORD	AEROSTAR	5,968	5,623	298.2	308.1	20.0	18.3	1.8
FM2-1048	92	DODGE	3/4 TON PICKUP	9,141	16,997	782.3	1,533.0	11.7	11.1	0.6
FMX-1092	90	CHEVROLET	CAPRICE SEDAN	16,866	16,916	923.0	889.5	18.3	19.0	-0.7
A-X-1112	93	FORD	CROWN VICTORIA	21,410	15,858	1,652.6	1,205.6	13.0	13.2	-0.2
FMX-1118	90	CHEVROLET	CAPRICE SEDAN	7,317	11,090	420.2	664.5	17.4	16.7	0.7
1807	90	JEEP	CHEROKEE 4X4	10,020	17,365	519.8	869.5	19.3	20.0	-0.7
3595	90	DODGE	3/4 TON PICKUP	11,140	11,849	1,237.6	1,151.8	9.0	10.3	-1.3
TOTAL				418,373	480,312	29,599.7	35,398.8	15.1	14.4	0.7

Comparison of Regular Unleaded and C.A.R.B. Gas
MPG and Emission Figures for 1997 and 1998

98 Idle HC	97 Idle HC	+/-
7	11	-4
44	45	-1
52	43	9
42	76	-34
40	35	5
5	6	-1
17	25	-8
18	27	-9
17	12	5
20	23	-3
15	45	-30
23	50	-27

21.914894	29.468085	-8
-----------	-----------	----

98 Idle CO	97 Idle CO	+/-
0.00	0.00	0.00
0.20	0.10	0.10
0.29	0.35	-0.06
0.00	0.16	-0.16
0.18	0.18	0.00
0.00	0.00	0.00
0.10	0.23	-0.13
0.00	0.00	0.00
0.03	0.01	0.02
0.00	0.01	-0.01
0.01	0.73	-0.72
0.11	0.31	-0.20

0.11	0.17	-0.06
------	------	-------

98 2500 HC	97 2500 HC	+/-
16	43	-27
36	38	-2
27	38	-11
41	31	10
64	76	-12
5	6	-1
14	72	-58
48	69	-21
34	47	-13
36	48	-12
116	169	-53
66	118	-52

48.2340426	68.4042553	-20
------------	------------	-----

98 2500 CO	97 2500 CO	+/-
0.00	0.04	-0.04
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.05	0.14	-0.09
0.00	0.00	0.00
0.00	1.33	-1.33
0.00	0.00	0.00
0.13	0.25	-0.12
0.01	0.07	-0.06
1.19	1.15	0.04
0.00	2.02	-2.02

0.12	0.30	-0.19
------	------	-------

Vehicle #
AD-X-983
FP-2-988
FP-2-989
FP-2-991
FM-1-995
BFS-1042
FM2-1048
FMX-1092
A-X-1112
FMX-1118
1807
3595

AVERAGE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

RECEIVED
CCHD-APCD
1999 MAR 10 P 2:42

MAR 10 1999

Mr. Michael Naylor, Air Pollution Control Director
Clark County Health District
P.O. Box 3902
625 Shadow Lane
Las Vegas, NV 89127

Dear Mr. Naylor:

Region 9 Air Planning staff and the Office of Mobile Sources staff have reviewed the District's proposed regulation -- "Section 54 Cleaner Burning Gasoline (CBG) Wintertime Program," which will affect wintertime motor vehicle gasoline sold in Clark County beginning November 1, 1999. The proposed regulation would adopt fuel specifications similar to California's reformulated gasoline for sulfur and aromatic hydrocarbon levels.

Overall, the District must develop regulations that ensure reasonable enforceability. At present, we are not able to include specific comments on the enforceability of the proposed regulations since these provisions are not sufficiently detailed. Therefore, we wanted to provide general comments to assist in the development of such provisions and convey them to you prior to the March 25, 1999 Board's Public Hearing.

Also, it is our understanding that the District has decided to use (for attainment demonstration purposes) the latest version of the MOBILE5 Model in combination with an unofficial version of the Complex Model for estimating CO impacts of changes in various fuel properties. As you know, the CO Model developed by EPA is not an "official" EPA model because it did not undergo the peer review process. Therefore, EPA would need to review your modeling analysis before it can be considered for SIP purposes.

OPTIONAL FORM 99 (7-99)

FAX TRANSMITTAL

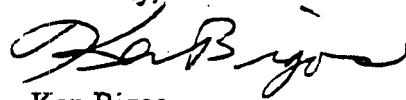
of pages > 4

To Michael Naylor	From Roxanne Johnson
Dept./Agency CCHD	Phone
Fax # 702 383-1443	Fax #

To assure a better understanding of the District's CO modeling plans, we are available to discuss this issue, and address any questions you may have with regard to CO effects estimated in the EPA MOBILE5 Model.

If you have any questions, please contact Roxanne Johnson at (415) 744-1225.

Sincerely,



Ken Bigos
Associate Director, Air Division

Attachment(s)

cc: Lori Stewart
Fuels and Energy Division

Attachment

Comments on Enforcement Provisions:

1. If the District plans to adopt averaged standards for sulfur and aromatics, then the regulations need to include enforcement provisions that apply to out-of-state refiners. In addition, the District will need to demonstrate to EPA that it has legal authority to enforce these standards at out-of-state refiners. The District needs to demonstrate how it will ensure, through specific enforcement provisions, (e.g. reports, test results, and designation and affirmative product segregation requirements etc.) how the gasoline supplied to the Las Vegas area by each participating refiner meets the standards. Enforcing averaged standards (as opposed to per-gallon standards) cannot generally be done downstream. As a result, the regulations must include provisions that assure compliance at upstream facilities including: (1) that the fuel is designated as being for Las Vegas only; (2) that the fuel meets the averaged and cap standards; (3) that the fuel is kept segregated from any other gasoline; and, (4) that the fuel is tested and test records are kept and made available to the State.
2. Determinations must be made as to how the gasoline will be segregated from all other gasoline downstream from the refinery. The rule needs affirmative segregation requirements downstream as well as upstream, and requirements for product transfer documents that identify gasoline supplied to this area as "Las Vegas gasoline." All parties in the distribution chain through the retail level must maintain transfer documents for some period of time (e.g., 2 or more years). The regulation needs to make it clear that anyone who violates transfer document requirements, sells gasoline not meeting Las Vegas gasoline standards in the Las Vegas control area, or allows conventional gasoline to be commingled with Las Vegas gasoline and sold in Las Vegas control area is liable for violations and may be subject to significant monetary penalties.
3. The regulations need to identify "importers" and describe how "importers" will be regulated. It may work to regulate this fuel on average at a pipeline or at terminals if all Las Vegas gasoline will come through certain pipelines and terminals. But if gasoline is coming by truck or rail car, or may come by truck or rail car, and the District will treat these rail and trucking companies as "importers," such importers will be very difficult to regulate. As noted above, upstream enforcement of an averaged standard needs to include a requirement for testing every batch, record keeping, and reporting. It would be very expensive for truckers to test every truckload and make yearly reports. Moreover, monitoring their compliance will also be difficult.
4. The provisions need to address how the oxygenate requirement would be enforced. In addition, it would be helpful for EPA's evaluation of the proposal, if the District can provide information regarding the locations and parties who will be adding the oxygenate. Those parties adding oxygenates need to be subject to enforcement provisions, and if the required oxygenate is not added, the refiners/importers should also be liable. The District

as well as the refiners/importers need to ensure that the gasoline does not already contain oxygenates and that ethanol is not added to gasoline already having another oxygenate.

5. Downstream enforcement would be a necessary part of the program -- with the District taking samples and testing them for the 3 parameters, checking product transfer documents, and ensuring that the caps are not exceeded. The regulation needs to make it clear who is potentially liable if a violation of a cap or the oxygenate requirement is found at the retail, terminal, or pipeline level. However, ensuring that the cap is not violated will not ensure that the averaged standards are being met. Refiner level or "importer" level testing and enforcement is needed for that. One possible approach for enforcing upstream averaged standards would be a program that mimics the federal RFG surveys (after doing a statistical study of the number of samples taken and how to take them) to see if the averaged levels are being met at the retail level. If the average sulfur or aromatics levels exceed the standards, the refiners/importers would be ratcheted to a stricter standard. This approach would likely be expensive and there would have to be a way to enforce this ratcheting against out-of-state refiners or against the importers.
6. In general, the regulations must include clear indications of what constitutes a violation, who is liable, and what defenses are available. In addition, penalties must be large enough to both ensure that any ill-gotten gain would be eliminated and include an additional penalty for deterrence.



Department of Comprehensive Planning

500 S Grand Central Pky • Ste 3012 • PO Box 551741 • Las Vegas NV 89155-1741
(702) 455-4181 • Fax (702) 385-8940

Richard B. Holmes, Director

John Schlegel, Assistant Director

Lesla Coder, Assistant Director

March 12, 1999

Sherry Colquitt, Chairman
District Board of Health
625 Shadow Lane
Las Vegas, NV 89106

LETTER IN SUPPORT OF ADOPTING SECTION 54: CLEANER BURNING GASOLINE TO THE AIR POLLUTION CONTROL REGULATIONS

Dear Ms. Colquitt:

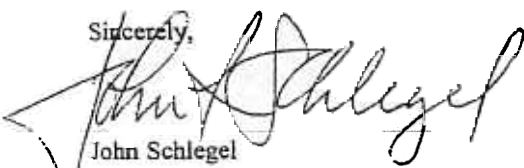
This letter is written to convey the support of the Department of Comprehensive Planning on the proposed Air Pollution Control Regulations entitled Section 54, Cleaner Burning Gasoline: Wintertime Program. As staff understands the proposed regulation, limits would be placed on the sulfur and aromatic hydrocarbons in wintertime gasoline sold in Clark County. It is also our understanding that existing limits on the oxygenate and Reid Vapor Pressure would remain unchanged. On August 18, 1998, the Clark County Board of Commissioners adopted a resolution requesting that the District Board of Health conduct public hearings concerning a proposal to adopt cleaner burning gasoline regulations in Clark County. A total of five public hearings were conducted, and it is our understanding that Health District staff are prepared to make a recommendation to the District Board of Health to adopt the proposed regulations. Through this action, the Board did not make a policy decision, as the authority to regulate gasoline falls under the purview of the Board of Health.

Currently, we are in the process of developing a plan to attain carbon monoxide standards in accordance with the Clean Air Act Amendments. An analysis of all currently implemented control measures has demonstrated that we will need the benefit of additional control measures in order to demonstrate attainment. Based on the analysis conducted by Health District staff, it appears that Cleaner Burning Gasoline could be an effective control measure for carbon monoxide. The air quality benefits attributed to the implementation of this regulation have been estimated at approximately 28 tons per day or 9.6 percent. If this estimate is accurate, the proposed regulation would be significant in terms of the role it could play in achieving the national health standard by the year 2000. The implementation of this regulation may also provide additional air quality benefits by reducing ozone precursor emissions and particulates (Clark County will likely be designated to nonattainment for ozone in the near future).

Given the apparent benefits, the Department of Comprehensive Planning will be recommending Clean Burning Gasoline as a control measure in the Las Vegas Valley's Serious Area Carbon Monoxide Plan if this regulation is adopted by your Board. As you are aware, the Plan will be subject to a formal public hearing process, providing additional opportunity for public input concerning its contents. Additionally, should this regulation be adopted, we encourage its timely implementation in order that we may prevent future exceedances of the standard.

In conclusion, the Department of Comprehensive Planning supports the use of less polluting fuels and offers its support in adopting Section 54 to the Air Pollution Control Regulations.

Sincerely,


John Schlegel
Director

JS:CK:bh

cc: Dr. Donald Kwalick



Tosco Corporation
1500 N. Priest Drive
Tempe, Arizona 85281
Telephone: 602-728-6998
Facsimile: 602-728-5204

RECEIVED
CCHD-APCD

1999 MAR 23 P 3: 17

Steven D. Smith
Senior Planner
Fuel Issues
Government Relations

March 23, 1999

BY FAX & U.S. MAIL

Clark County Board of Health
625 Shadow Lane
Las Vegas, Nevada 89127

Re: *Proposed Section 54 – Cleaner Burning Gasoline (CBG) –
Wintertime Program*

Dear Board of Health Members:

Attached are the comments of Tosco Corporation regarding the Air Pollution Control Division's proposed rules to implement cleaner burning gasoline regulations for wintertime gasoline in Clark County. We support the proposed CBG rule as a positive step toward improving Clark County overall air quality.

Thank you for your consideration of our views. Please contact the undersigned or George Seitts at (602) 728-6861 if there are any questions.

Very truly yours,

A handwritten signature in black ink that reads "Steven D. Smith".

Steven D. Smith

cc: Mr. Michael H. Naylor
Clark County Health District
625 Shadow Lane
Las Vegas, Nevada 89127

bcc: Ann Farmer Miller
George Seitts
Andrea Martincic
Jon Van Sluyters
Mike Zigich
Dan Sinks - LAR
Dwight Stevenson - SFAR-Avon
Fred Swingle - SFAR-Rodeo

**COMMENTS
OF
TOSCO CORPORATION
ON
CLARK COUNTY HEALTH DISTRICT
AIR POLLUTION CONTROL DIVISION
PROPOSED RULES
"SECTION 54 -
CLEANER BURNING GASOLINE (CBG) -
WINTERTIME PROGRAM"**

March 23, 1999

Tosco Corporation ("Tosco") is pleased to submit the following comments on the Air Pollution Control Division proposed regulation: "Section 54 - Cleaner Burning Gasoline (CBG): Wintertime Program". Tosco supports the proposed rule that will help reduce carbon monoxide emissions in Clark County.

Tosco is one of the largest independent refiners and marketers of petroleum products in the United States, with current annualized revenues of over \$12 billion. Our six refineries currently produce approximately 950,000 barrels per day of petroleum products, which we market through over 5,000 retail outlets across the United States. In Clark County, we market under the Union 76 and Circle K brands.

Tosco has been an advocate of cleaner burning gasolines at the national level and in several locales including Las Vegas and Phoenix. Over the past few years, we have worked closely with Health District staff on air quality and fuel quality issues. With the growth that Clark County is experiencing, the Health District is correctly examining a wide variety of options to help reduce Clark County winter carbon monoxide (CO) pollution and summer ozone pollution and to reduce particulate (PM-10) pollution and improve regional visibility throughout the year. The County has correctly included cleaner burning gasolines in this review.

Support for Gasoline Sulfur and Aromatic Content Standards

Tosco supports the Health District's proposal to limit wintertime gasoline sulfur content to 40 ppm (or 30 ppm average, 80 ppm cap) and wintertime gasoline aromatics content to 25 vol.% (or 22 vol.% average, 30 vol.% cap). This action is a step in the right direction. These sulfur and aromatics standards starting November 1999 will provide significant and immediate reductions in CO emissions and help Clark County achieve attainment with the CO air quality standard.

Option of California Phase 2 Reformulated Gasoline Should be Considered

During the workshop process, Tosco and others suggested that Clark County consider adopting the California Phase 2 Reformulated Gasoline (CaRFG) program to help reduce winter CO emissions. The CaRFG program would not only provide significant CO reductions but would also yield significant year-round improvements in particulate emissions and ozone-forming emissions (e.g. VOC, NO_x). We encourage the Health District to continue its review of CaRFG as a year-round gasoline for Clark County.

Although we support the proposed sulfur and aromatics standards for this immediate rulemaking, we suggest that staff consider providing refiners with the option of either meeting the proposed sulfur/aromatics standard or providing CaRFG with 10% ethanol. Both gasolines provide comparable CO reductions, but CaRFG would provide many other benefits. This flexibility could be important to some gasoline suppliers and should include the option of producing CaRFG using the Predictive Model as discussed below.

New Gasoline Specifications Should Include Performance Standards

The proposed regulations establish strict "property standards" on gasoline sulfur and aromatics content to reduce carbon monoxide emissions. These "property standards" do not give refiners the flexibility needed to produce gasolines with different properties but equivalent emission benefits. Tosco supports gasoline regulations that include an option of producing gasoline to an emissions "performance standard". The CaRFG regulations include a "performance standard" through the use of the California Predictive Model. This model gives refiners significant added flexibility to vary individual gasoline properties on a blend-by-blend basis depending on the refinery status and economics of refinery processing and gasoline production at that time. This flexibility helps reduce refinery production costs. Tosco encourages Clark County to include a "performance standard" option in all future gasoline quality regulations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RECEIVED
CCHD-APCD
1999 MAR 23 P 2: 12

March 23, 1999

Mr. Michael Naylor, Air Pollution Control Director
Clark County Health District
P.O. Box 3902
625 Shadow Lane
Las Vegas, NV 89127

Dear Mr. Naylor:

This letter is to follow up to the March 10, 1999 letter we sent to you commenting on the District's proposed regulation - Section 54 Cleaner Burning Gasoline (CBG) Wintertime Program, and the conference call we had with you and the Office of Mobile Sources on March 17, 1999 to discuss EPA's policy on carbon monoxide modeling for SIP purposes.

At this time, we feel most of our concerns with the enforceability of the wintertime proposed regulations for CBG program have been addressed via our Western Field Office, Office of Enforcement and Compliance Assurance conversation with you. We also feel that our modeling concerns have been addressed after the conference call we had on March 17, 1999. The modeling used for determining the wintertime fuels effects are properly being modeled by the District and by Comprehensive Planning. On the call, OMS did not find it unreasonable, and stated that OMS has nothing against using the appropriate CO Complex model (SAE Technical Paper Series - number 961214) for determining fuel effects (especially non-oxy, and non-RVP) on CO emissions in combination with MOBILE5b.

We encourage Clark County to continue the good work you are doing on your fuels program controlling emissions from mobile sources.

If you have any questions, please contact me at (415) 744-1225.

Sincerely,

Roxanne Johnson
Air Planning Office

cc: Lori Stewart
Fuels and Energy Division

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To Michael Naylor Dept./Agency CCHD	From Roxanne Johnson Phone #
--	------------------------------------

REBEL OIL COMPANY, INC. RECEIVED
2200 S. HIGHLAND DR CCHD-APCD
LAS VEGAS, NV 89102-4629
702-382-5866 FAX 702-382-4263 1999 MAR 23 P 2:27

March 23, 1999

Clark County District Board of Health
625 Shadow Lane
Las Vegas, NV 89127

**RE: Public Hearing on Proposed Section 54-Cleaner Burning Gasoline (CBG)
Wintertime Program**

Dear Board of Health Members:

Rebel Oil Company is pleased to submit these comments on the proposed new regulations: Section 54-Cleaner Burning Gasoline (CBF): Wintertime Program; District Board of Health of Clark County, Air Pollution Control Regulations.

Rebel Oil Company is a locally owned and operated gasoline marketer. We market gasoline through a network of retail outlets in the Las Vegas and Clark County area.

We support the proposed regulations and their goal of providing reduced carbon monoxide emissions in Clark County. However, Rebel Oil Company respectfully requests that the proposed regulations be modified with a provision for specialty high-octane gasolines.

Details of our proposal are attached. Please contact me with any questions.

Sincerely,


Carl L. Bailey
Secretary Treasurer

Rebel Oil Company
March 23, 1999

Rebel Oil Company Proposal

Rebel Oil Company respectfully requests that the proposed Section 54 regulations be modified with a provision for specialty high-octane gasolines. This provision would state that Section 54 does not apply to gasolines with an octane rating of 98 or greater (R+M)/2 and an aromatics content of no more than 30 percent by volume.

Discussion

The Board is considering adoption of new Cleaner Burning Gasoline regulations that would apply from November 1 through March 31 of each winter season. The proposed regulations set standards for gasoline sulfur and aromatics content. These sulfur and aromatic content standards will help reduce Clark County wintertime carbon monoxide emissions from motor vehicles and other gasoline-fueled equipment.

The proposed gasoline sulfur content standard for the winter season is 40 parts per million (ppm) sulfur. Gasoline suppliers also have an option of providing gasoline that meets a 30 ppm sulfur standard on average, with no gasoline exceeding an 80 ppm sulfur cap.

The proposed gasoline aromatics content standard for the winter season is 25 volume per cent aromatics. Gasoline suppliers also have an option of providing gasoline that meets a 22 volume percent aromatics standard on average, with no gasoline exceeding a 30 volume percent aromatics cap.

Rebel Oil markets various gasolines at its retail outlets in Clark County. Almost all of these gasolines have an octane rating of between 87 and 93 (R+M)/2. However, one of the gasolines sold is a high-performance gasoline ("racing gasoline") and has an octane rating of 100 (R+M)/2. Sales volumes of this specialty gasoline are currently less than .05% of total gasoline sales in Clark County.

A wide range of consumers chooses this 100-octane specialty gasoline. They are typically owners of high performance motor vehicles that benefit from the higher octane found in this gasoline.

- Producers of this specialty gasoline typically must add greater amounts of high-octane aromatic components that are permitted under the proposed Section 54 regulations to achieve the 100 (R+M)/2 octane rating. The aromatics content typically ranges from 26 to 29 volume percent, but does not exceed 30 volume percent. The sulfur content of this gasoline is typically under 5 ppm.

We have used the EPA's draft Complex Model for carbon monoxide (CO) to evaluate the CO emissions performance of two gasolines:

1. Gasoline with 5 ppm sulfur and 27.5 vol.% aromatics.
2. Proposed Section 54 flat standards: 40 ppm sulfur and 25 vol.% aromatics.

The draft EPA CO Complex Model predicts that the gasoline with 5ppm sulfur and 27.5 vol.% aromatics content produces less CO emissions than a gasoline meeting the proposed Section 54 flat standards.

Conclusion: The sulfur and aromatics content of Rebel's 100 octane racing gasoline produces equivalent or fewer CO emissions than the flat sulfur and aromatics content standards in the proposed Section 54 regulations. Therefore, it is reasonable to exempt 100 octane racing gasoline from the proposed sulfur and aromatic content standards proposed by Section 54.

Proposed Amendments to Section 54

Rebel proposes that the following section be added to the regulations

Section 54.1.5 (new)

This section shall not apply to gasolines with an octane rating of 98 or greater (R+M)/2 and an aromatics content of no more than 30 percent by volume.

APPENDIX D

Section Two Regional Transportation Commission Resolution No. 177 Establishing Guidelines for a Commuter Assistance Program.

Resolution No. 177

RESOLUTION OF THE REGIONAL TRANSPORTATION COMMISSION OF CLARK COUNTY ESTABLISHING GUIDELINES FOR THE ADMINISTRATION OF THE QUESTION #10 FUNDED COMMUTER INCENTIVE PROJECTS AS PART OF ITS COMMUTER ASSISTANCE PROGRAM

WHEREAS, in 1990 Clark County residents approved Ballot Question #10 imposing a 1/4 % sales tax for transportation purposes within the County of Clark; and

WHEREAS, in 1991 the Nevada State Legislature passed and the Governor signed enabling legislation authorizing this 1/4 % sales tax for transportation purposes; and

WHEREAS, 1½ % of the revenues generated by Ballot Question #10 have been designated by the Regional Transportation Commission for commuter assistance efforts designed to encourage single occupant vehicle drivers to carpool, vanpool, walk, bicycle, telecommute or use public transit to and from work to reduce traffic congestion during peak rush hour periods; and

WHEREAS, the Commission has established CAT MATCH Commuter Services program including a commuter incentive project, Club Ride, for the purpose of mitigating traffic congestion; and

WHEREAS, the Commission wishes now to establish guidelines for the commuter incentive project to help induce ridesharing in the County and to provide a means for fairly allocating limited revenues to all eligible participants;

NOW, THEREFORE, the Regional Transportation Commission of Clark County hereby resolves as follows:

Section 1: The following guidelines are hereby established for Club Ride (Members):

(a) Any Clark County resident in Las Vegas Urbanized Area can register with CAT MATCH Commuter Services to receive a list of their commute alternatives, but only Qualified Participating Commuters can benefit from Club Ride Incentive Program. A Qualified Participating Commuter must be engaged in a Rideshare Arrangement for the purpose of commuting to a place of employment or a telecommuting work center. A Rideshare Arrangement specifically excludes taking children to school and/or day care situations.

(b) Subject to the limitations set forth elsewhere in this Resolution, the following incentives are hereby established for Club Ride:

(1) Prize Drawings - Each month, there will be a prize drawing for anywhere from 50 to 100 - \$100 prizes. Each prize drawing winner will have the prize dollar amount credited to their debit card, a Club Ride MasterCard IncentiveCard . If funds are left over at the end of the fiscal year there may be a grand prize drawing for the remaining funds. Club Ride members will receive an extra entry for each 6 months they participate. Employees will not receive more entries in the prize drawings for participating more days per week, however, CAT MATCH asks that commuters use their commute alternatives at least one day a week to help clean our air.

(2) Emergency Ride Home (ERH) - Each month that a Club Ride member uses their Club Ride MasterCard IncentiveCard to log in their commute alternative usage at least once a week, qualifies them for their two Emergency Rides Home per year funded by the Regional Transportation Commission. Additional ERHs must be paid by the employee or their employer.

(3) Merchant Discounts - Once Club Ride Members receive their Club Ride

MasterCard IncentiveCard they can begin using it right away for discounts at various merchant throughout Las Vegas. Club Ride Members will receive a Club Ride Pass Book which explains which selected merchants offer discounts to Club Ride MasterCard IncentiveCard holders.

(4) Commuter Newsletter - Each month, Club Ride Members will receive a newsletter with information on dates of upcoming prize drawings, winners of previous prize drawings, tips to improve your commute and save you money, transportation facts, lists of other people looking to rideshare, upcoming meetings and events, new developments in the CAT MATCH program and at the RTC, CAT MATCH contact information, a list of employers who have contributed to the prize drawings.

(5) Preferential Parking - Carpool and Vanpool vehicles with at least two CAT MATCH patrons and Club Ride Pool Parking Permits displayed will qualify for the preferential parking spaces.

(c) All Participating Commuters must live in Las Vegas Urbanized Area.

(d) All Participating Commuters in Club Ride must be employed by a Participating Employer during participation in Club Ride.

(e) All Prize Drawing Incentives, shall be provided in the form of monetary credit on a Club Ride MasterCard IncentiveCard by the Commission for use anywhere MasterCard is accepted.

(f) A Qualified Participating Commuter must carpool, vanpool, use mass transit, walk, bicycle or telecommute to work at any time of day a minimum of one day a week or four days a month by an alternative mode of transportation to qualify.

Section 2: The following guidelines are hereby established for Club Ride Employers to encourage their involvement in employee trip reduction measures:

- (a) All Participating Employers must sign a statement of participation.
- (b) Appoint a Transportation Coordinator to act as a liaison between the Club Ride Employer and the Regional Transportation Commission.
- (c) Survey their employees to determine their baseline employee commute patterns prior to implementing the incentive program.
- (d) Submit a worksite alternative commute plan listing the strategies that they will implement.
- (e) Provide/purchase a verifone machine to monitor participation in the program and assist/administer the Club Ride Incentive Program. Employers with less than 50 employees have the option of tracking employee participation and administering Club Ride Incentive Program through the use of scannable forms. during participation in Club Ride.
- (f) Set aside preferential parking for car/vanpools that is shaded and/or closer to the building. RTC will provide adequate parking signs and hang tags to Participating Employers.
- (g) Provide all new employees with alternative commute information during the orientation process.
- (h) Allow space for a commuter bulletin board.

Section3: Definitions. As used in this resolution, the following phrases shall have the following meanings:

- (a) "Carpool" shall mean two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to seat less than seven adults,

including the driver.

(b) "Club Ride" means the incentive program described in Section 1 of this resolution.

(c) "Incentive" means prize drawings awarded to a Qualified Participating Commuter, provided under this resolution for the purpose of including eligible commuters to join Rideshare Arrangements or otherwise participate in the Commuter Incentive program or other comparable project.

(d) "Qualified Participating Commuter" means a commuter currently participating in the Commuter Incentive Program, who commutes at least 4 days per month to a place of employment or a telecommuting work center by means of a alternate commute mode, e.g, carpools, vanpools, transit, walking, biking or telecommuting and is registered with the Club Ride Incentive Program.

(e) "Participating Employer" shall mean any employer which has executed an agreement with the Commission for participation in the Club Ride Incentive Program.

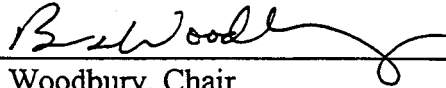
(f) "Rideshare Arrangement" shall mean the transportation of two or more working adults in a motor vehicle. The term includes ridesharing arrangements known as carpools, vanpools as well as utilizing public mass transit services. In addition, persons walking, bicycling, or telecommuting shall also be deemed to be participants in a Rideshare Arrangement.

(g) "Vanpool" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with seating arrangements designed to carry seven to fifteen adults, including the driver.

(h) "Las Vegas Urbanized Area" shall have the same meaning as the metropolitan planning area defined by the Commission, with public input by local, state and federal agencies and citizens.

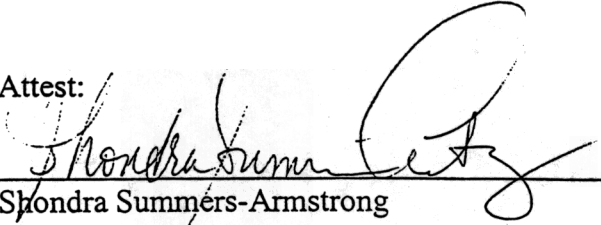
Section 4: The Director of the Commission is hereby authorized to take those steps necessary and proper to implement the Club Ride Incentive Program. The Director may, in his discretion, establish additional rules and regulation for the Club Ride Incentive Program as well as prescribe in writing qualification requirements and incentives for the Club Ride Incentive program which differ from those established herein.

APPROVED AND ADOPTED this 10th day of June, 1999



Bruce Woodbury, Chair
Regional Transportation Commission of Clark County

Attest:



Shondra Summers-Armstrong
Witness

APPENDIX D

Section Three Nevada Revised Statutes, Chapter 486A: Alternative Fuels Legislation

CHAPTER 486A

FLEETS: USE OF ALTERNATIVE FUELS

GENERAL PROVISIONS

NRS 486A.010 Legislative findings.

NRS 486A.020 Definitions.

NRS 486A.030 "Alternative fuel" defined.

NRS 486A.040 "Bi-fueled motor vehicle" defined.

NRS 486A.050 "Commission" defined.

NRS 486A.060 "Dedicated alternative fuel motor vehicle" defined.

NRS 486A.070 "Department" defined.

NRS 486A.080 "Fleet" defined.

NRS 486A.090 "Flexible fueled vehicle" defined.

NRS 486A.100 "Manufacturer" defined.

NRS 486A.110 "Motor vehicle" defined.

NRS 486A.120 "Motor vehicle fuel" defined.

NRS 486A.130 "State agency" defined.

NRS 486A.140 Applicability.

STANDARDS AND REQUIREMENTS

NRS 486A.150 Commission required to adopt regulations.

NRS 486A.160 Duties of department: Issue orders; enforce regulations; conduct investigations.

NRS 486A.170 Inspection of fleets; reports.

PENALTIES

NRS 486A.180 Administrative fines; injunctions and other remedies; unlawful acts; deposit of money collected.

NRS 486A.010 Legislative findings. The legislature finds that:

1. Protection of the state's environment, particularly the quality of its air, requires a reduction, especially in metropolitan areas, of the contaminants resulting from the combustion of conventional fuels in motor vehicles.

2. A very large proportion of these contaminants results from the burning of liquid and gaseous fuels to operate trucks and buses, many of which are operated in fleets. Each fuel can be evaluated as to the air pollution it causes when burned in motor vehicles.

3. Conversion of these fleets to use cleaner-burning alternative fuels can reduce contaminants sufficiently to permit the continued use of conventional fuels in individually owned motor vehicles, but such conversion is feasible only if sufficient financial assistance is provided to the owners of fleets.

(Added to NRS by 1991, 2022)

NRS 486A.020 Definitions. As used in this chapter unless the context otherwise requires, the words and terms defined in NRS 486A.030 to 486A.130, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1991, 2022)

NRS 486A.030 "Alternative fuel" defined. "Alternative fuel" means any fuel which complies with the standards and requirements established by the commission. The term includes low-sulfur diesel fuel and reformulated gasoline which comply with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990 (Pub. L. No. 101□549, Nov. 15, 1990).

(Added to NRS by 1991, 2022)

NRS 486A.040 "Bi-fueled motor vehicle" defined. "Bi-fueled motor vehicle" means a motor vehicle that is capable of operating on either a clean-burning alternative fuel or a traditional fuel, including, but not limited to, gasoline or diesel fuel.

(Added to NRS by 1991, 2022)

NRS 486A.050 "Commission" defined. "Commission" means the state environmental commission.

(Added to NRS by 1991, 2022)

NRS 486A.060 "Dedicated alternative fuel motor vehicle" defined. "Dedicated alternative fuel motor vehicle" means a motor vehicle that operates only on an alternative fuel.

(Added to NRS by 1991, 2022)

NRS 486A.070 "Department" defined. "Department" means the state department of conservation and natural resources.

(Added to NRS by 1991, 2022)

NRS 486A.080 "Fleet" defined. "Fleet" means 10 or more motor vehicles that are owned, leased or operated by the state or a local governing body. The term includes fleets that are used by the state, a state agency or a local governing body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

(Added to NRS by 1991, 2022)

NRS 486A.090 "Flexible fueled vehicle" defined. "Flexible fueled vehicle" means a motor vehicle that is capable of operating on any mixture of an alternative fuel and a traditional fuel, including, but not limited to, gasoline or diesel fuel.

(Added to NRS by 1991, 2022)

NRS 486A.100 "Manufacturer" defined. "Manufacturer" means a company that makes and sells motor vehicles as its primary business. The term does not include companies that make or sell experimental motor vehicles or motor vehicles that are prototypes.

(Added to NRS by 1991, 2022)

NRS 486A.110 "Motor vehicle" defined. "Motor vehicle" means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include a:

1. Farm tractor as defined in NRS 482.035;
2. Moped as defined in NRS 482.069; and
3. Motorcycle as defined in NRS 482.070.

(Added to NRS by 1991, 2022)

NRS 486A.120 "Motor vehicle fuel" defined. "Motor vehicle fuel" has the meaning ascribed to it in NRS 365.060.

(Added to NRS by 1991, 2023)

NRS 486A.130 "State agency" defined. "State agency" means an agency, department, division or other entity of the State of Nevada.

(Added to NRS by 1991, 2023)

NRS 486A.140 Applicability. The provisions of this chapter do not apply to:

1. The owner of a fleet of motor vehicles that operates only in a county whose population is less than 100,000.
2. Any governmental agency exempted by federal statute or regulation.
3. Any person exempted by the commission.

(Added to NRS by 1991, 2023)

NRS 486A.150 Commission required to adopt regulations. The commission shall adopt regulations necessary to carry out the provisions of this chapter, including, but not limited to, regulations concerning:

1. Standards and requirements for alternative fuel. The commission shall not discriminate against any product that is petroleum based.
2. The conversion of fleets to use alternative fuels if the fleet is operated in a county whose population is 100,000 or more.
3. Standards for alternative fuel injection systems for diesel motor vehicles.
4. Standards for levels of emissions from motor vehicles that are converted to use alternative fuels.
5. The establishment of a procedure for approving exemptions to the requirements of this chapter.

(Added to NRS by 1991, 2023)

NRS 486A.160 Duties of department: Issue orders; enforce regulations; conduct investigations.

1. The department shall:

(a) Make such determinations and issue such orders as may be necessary to carry out the provisions of this chapter;

(b) Enforce the regulations adopted by the commission pursuant to the provisions of this chapter; and

(c) Conduct any investigation, research or study necessary to carry out the provisions of this chapter.

2. Upon request, the department of motor vehicles and public safety shall provide to the department information contained in records of registration of motor vehicles.

(Added to NRS by 1991, 2023)

NRS 486A.170 Inspection of fleets; reports.

1. An authorized representative of the department may enter and inspect any fleet of 10 or more motor vehicles that is subject to the requirements of this chapter to ascertain compliance with the provisions of this chapter and regulations adopted pursuant thereto.

2. A person who owns or leases a fleet of 10 or more vehicles shall not:

(a) Refuse entry or access to the motor vehicles to any authorized representative of the department who requests entry for the purpose of inspection as provided in subsection 1.

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested by the owner or lessor of a fleet of motor vehicles, the department shall prepare a report of an inspection made pursuant to subsection 1 setting forth all facts determined which relate to the owner's or lessor's compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

(Added to NRS by 1991, 2023)

NRS 486A.180 Administrative fines; injunctions and other remedies; unlawful acts; deposit of money collected.

1. Except as otherwise provided in subsection 4, any person who violates any provision of this chapter or any regulation adopted pursuant thereto, is guilty of a civil offense and shall pay an administrative fine levied by the commission of not more than \$5,000. Each day of violation constitutes a separate offense.

2. The commission shall by regulation establish a schedule of administrative fines of not more than \$1,000 for lesser violations of any provision of this chapter or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of this chapter and regulations in force pursuant thereto, by injunction or other appropriate remedy. The commission or the director of the department of conservation and natural resources may institute and maintain in the name of the State of Nevada any such enforcement proceeding.

4. A person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to a person found by the court to be indigent.

5. The commission and the department shall deposit all money collected pursuant to this section in the state general fund. Money deposited in the state general fund pursuant to this subsection must be accounted for separately and may only be expended upon legislative appropriation.

(Added to NRS by 1991, 2024)

APPENDIX D

Section Four Nevada Administrative Code, Chapter 445B: Technician Training and Licensing

Inspectors

NAC 445B.485 Prerequisites to licensing.

1. The department will not license a person as a class 1 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles to its satisfaction by:
 - (a) Submitting an application, on a form provided by the department;
 - (b) Submitting a certificate of competence issued by the manufacturer of an exhaust gas analyzer approved by the department, indicating his ability to adjust and operate the equipment required to obtain the rating or ratings for which he is applying pursuant to NAC 445B.498, or by demonstrating to the department his ability to adjust and operate such equipment; and
 - (c) Successfully:
 - (1) Completing a training course or courses for a license as a class 1 approved inspector which was conducted or approved by the department, or equivalent training approved by the department, for the particular rating or ratings for which he is applying;
 - (2) Completing a written test for a license as a class 1 approved inspector which was prepared by the department for the particular rating or ratings for which the person is applying with a score of at least 80 percent; and
 - (3) Performing a practical demonstration of the procedures for testing prescribed by the department.
2. The department will not license a person as a class 2 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles and to diagnose, repair and service devices for the control of exhaust emissions to its satisfaction by submitting an application, on a form provided by the department, which establishes that he has:
 - (a) Within the last 12 months satisfied the requirements set forth in paragraphs (b) and (c) of subsection 1 for a license as a class 1 approved inspector for the particular rating or ratings for which the person is applying; and
 - (b) Successfully completed a written test for a license as a class 2 approved inspector which was prepared by the department for the particular rating or ratings for which the person is applying with a score of at least 80 percent.
3. The department will investigate each applicant to determine his fitness.
[Environmental Comm'n, Engine Emission Control Reg. §§ 3.12.1-3.12.1.4, eff. 1-10-78; A 12-20-79; § 3.12.2, eff. 1-10-78] (NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 11-10-92; 8-19-94; 9-13-95)

NAC 445B.486 Examination of applicants for licensing.

1. The department will establish written tests for the licensing and rating of class 1 approved inspectors and class 2 approved inspectors.
2. An applicant taking such a test must show that he has completed the course, courses or equivalent training required pursuant to NAC 445B.485 for the rating or ratings for which he is applying.
3. An applicant who fails to pass the written test or practical demonstration required for a license as a class 1 approved inspector must wait 7 calendar days before he may retake the test or demonstration.
4. If an applicant fails two consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must wait 90 days before he may retake the test or demonstration.
5. If an applicant fails three consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must, before he may retake the test or demonstration, wait 180 days and submit proof to the department that he has successfully completed an additional training course which is conducted or approved by the department for the rating or ratings for which he is applying.
6. If an applicant fails to pass the written test required for a license as a class 2 approved inspector, he must, before he may retake the test, submit proof to the department that he has, after failing the test, completed a training course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings for which he is applying.
[Dep't of Motor Veh., Engine Emission Control Reg. § 3.12.1.5, eff. 8-16-78; + § 4.3.5, eff. 1-10-78] (NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 7-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)

NAC 445B.487 Denial of license.

1. The department may refuse to issue a license to an applicant who fails to pass the examination required for that license pursuant to NAC 445B.485.
2. The department may refuse to issue a license to an applicant who fails to provide satisfactory evidence of his ability and competence.
[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.12.1 & 4.12.2, eff. 1-10-78](NAC A 9-13-95)

NAC 445B.489 Grounds for denial, suspension or revocation of license. (NRS 445B.210, 445B.760, 445B.785)

The department may deny the issuance of, suspend or revoke the license of an approved inspector if:

1. He fails to establish by satisfactory evidence to the department that he is employed by a test station with an appropriate rating.
2. He has knowingly made any false statement or concealed any material fact on his application for a license.
3. He knowingly submits false, inaccurate or misleading information on evidence of compliance or any other records submitted to the department.
4. He fails to report in writing to the department every change in his place of employment or any termination of his employment within 10 days after the date of the change or termination.
5. He willfully or negligently issues evidence of compliance which contains fraudulent information. The term "fraudulent" includes, but is not limited to, a backdated document, a postdated document or a document based on anything other than actual physical inspection at the time of the issuance of the evidence of compliance.
6. He does not follow the procedures for testing prescribed by the department.
7. He allows evidence of compliance to be completed or issued by a person who is not an approved inspector.
8. He is incompetent to perform his duties.
9. He makes an inaccurate determination regarding a classification of a motor vehicle.
10. He fails to comply with any provision of NAC 445B.400 to 445B.735, inclusive.
11. He changes his place of employment, is required to use an exhaust gas analyzer which is different from the type used at his previous place of employment and fails to provide to the department a certificate of competence issued by the manufacturer of the analyzer.
12. The department determines that an applicant or approved inspector is not lawfully entitled to a license.
13. He is convicted for violating the provisions of chapter 598 of NRS relating to deceptive trade practices.
14. He is unable to demonstrate proficiency in the verbal and written expression of the English language.
[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.13.1-4.13.1.5, eff. 1-10-78; A 12-20-79; §§ 4.13.1.6-4.13.1.10, eff. 12-20-79](NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.490 Hearing on denial, suspension or revocation of license.

1. The applicant or approved inspector may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the director, in writing, for a hearing which will be conducted by the director or his authorized representative.
2. Failure of the applicant or approved inspector to petition the director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.
3. Upon filing the petition, a date for hearing will be fixed no longer than 20 days after receipt of the request for a hearing, and the applicant or approved inspector is entitled to be present at the hearing, testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.
4. Within 10 days after the hearing, the director or his authorized representative will make written findings of fact and conclusions of law and will:
 - (a) Grant or finally deny the application; or
 - (b) Suspend or revoke the license.[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.1, eff. 1-10-78; A 12-20-79; § 4.14.2, eff. 1-10-78; § 4.14.2.1, eff. 12-20-79; § 4.14.3, eff. 1-10-78; A 12-20-79](Substituted in revision for NAC 445.910)

NAC 445B.491 Temporary suspension or refusal to renew license.

1. Notwithstanding the provisions of NAC 445B.490, the department may, if the director of the department finds that the action is necessary in the public interest, upon notice to the approved inspector temporarily suspend or refuse to renew the license for a period not to exceed 30 days.

2. In any such case, a hearing will be held and a final decision rendered within 30 days after notice of the temporary suspension.

[Dept of Motor Veh., Engine Emission Control Reg. § 4.14.4, eff. 1-10-78](Substituted in revision for NAC 445.911)

NAC 445B.492 Duration of suspension; surrender of license.

When an approved inspector's license has been suspended for cause, the suspension will not exceed 90 days. The approved inspector's license must be surrendered to the department.

[Dept of Motor Veh., Engine Emission Control Reg. § 4.13.2, eff. 1-10-78; A 12-20-79](Substituted in revision for NAC 445.912)

NAC 445B.493 Limitation on reapplication after revocation or denial of license; surrender of revoked license.

1. When an approved inspector's license has been revoked for cause, the person may not reapply for an approved inspector's license for 1 year after the date of revocation.

2. The approved inspector's license which has been revoked must be surrendered to the department.

3. An applicant for an inspector's license who has been denied a license may not reapply for a license after denial:

(a) Until he has taken an action which removes the ground for the denial; or

(b) Within 1 year after the denial,

whichever first occurs.

[Dept of Motor Veh., Engine Emission Control Reg. § 4.13.3, eff. 12-20-79](NAC A by Environmental Comm'n & Dept of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86)(Substituted in revision for NAC 445.913)

NAC 445B.495 Contents of license.

A license issued by the department to an approved inspector must contain:

1. The inspector's name;

2. The identification number assigned to the inspector;

3. The name of the test station employing the inspector;

4. A photograph of the inspector;

5. The inspector's signature; and

6. Such other information as the department may require.

(Added to NAC by Environmental Comm'n & Dept of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dept of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.496 Expiration of license.

An inspector's license expires at midnight on a date specified by the department. The expiration date must be indicated on the inspector's license.

(Added to NAC by Environmental Comm'n & Dept of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)(Substituted in revision for NAC 445.9134)

NAC 445B.497 Requirements for renewal of license.

1. If an approved inspector wishes to renew his license, he must, within the 3 months before its expiration and before it is reissued, successfully:

(a) Complete a course for the renewal of his license which is approved or developed and conducted by the department for the particular class and rating or ratings the inspector is attempting to renew; and

(b) Complete a written test, with a score of at least 80 percent, which is approved or prepared by the department for the

particular class and rating or ratings the inspector is attempting to renew. Before the holder of a license as a class 2 approved inspector may take a test for the renewal of that class of license, he must submit to the department proof that he has, after the initial issuance or last renewal of his license, whichever occurred last, successfully completed a refresher course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

2. An inspector who fails to attain a score of 80 percent on the written examination required by subsection 1 for the renewal of a license as:

(a) A class 1 approved inspector may not take the examination again within 7 calendar days after the date of the first examination. If an inspector fails two consecutive written examinations for the renewal of a license as a class 1 approved inspector, he must wait 90 calendar days before he may retake the examination. If an inspector fails three consecutive

written examinations for the renewal of a license as a class 1 approved inspector, he must, before he may retake the examination, wait 180 calendar days and submit proof to the department that he has successfully completed an additional course conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

(b) A class 2 approved inspector must, before he may retake the examination, submit proof to the department that he has, after his failure of that examination, successfully completed a course regarding diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95)

NAC 445B.498 Performance of emission inspection without license prohibited; expiration of license; license ratings. (NRS 445B.785)

1. A person shall not perform any emission inspection for the purpose of issuing evidence of compliance unless he is currently licensed by the department as an approved inspector.

2. Each license issued to an approved inspector expires 24 months after the date on which the license is issued.

3. Each approved inspector shall have one or both of the following license ratings:

(a) A "G" rating to perform two-speed emissions inspections on gasoline-powered motor vehicles using the procedures set forth in NAC 445B.580.

(b) A "D" rating to perform light-duty diesel emissions inspections using the procedures set forth in NAC 445B.589.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95; R079-98, 9-25-98)

NAC 445B.4985 Violations. (NRS 445B.785)

The owner of the test station is responsible for any act or omission of an approved inspector employed by the test station which is committed while the inspector is acting within the scope of his employment which would constitute a violation of this chapter or chapter 445B of NRS.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

APPENDIX D

Section Five

Senate Bill 432: An Act Related to Air Quality Programs in the Las Vegas Valley

Senate Bill No. 432—Senator Porter

CHAPTER.....

AN ACT relating to air pollution; directing the Legislative Commission to conduct an interim study of certain air quality control programs; setting forth the purpose and duties of the subcommittee of the Legislative Commission; establishing an advisory committee; directing the Department of Motor Vehicles and Public Safety to implement certain programs of air quality control; making an appropriation; and providing other matters properly relating thereto.

WHEREAS, The legislature finds and declares that a general law cannot be made applicable for the provisions of this act because of the unusual patterns of growth in certain local governments of this state, the need to identify and evaluate the environmental needs of certain counties that have arisen as a result of the growth experienced by those counties and the special conditions experienced in certain counties related to the need to monitor and control air quality; and

WHEREAS, The Southern Nevada Strategic Planning Authority was created by Senate Bill No. 383 of the 69th session of the Nevada Legislature; and

WHEREAS, The Southern Nevada Strategic Planning Authority submitted a final report to the 70th session of the Nevada Legislature which establishes a set of goals and objectives that address twelve areas which are highly impacted by growth in the Las Vegas Valley; and

WHEREAS, Support and implementation of the air quality and environmental strategies contained within the final report of the Southern Nevada Strategic Planning Authority are significant to the area of Las Vegas that will not attain the federal standards for air pollution caused by carbon monoxide and particulate matter; and

WHEREAS, While Clark County currently attains the federal standards for air pollution caused by ozone, based upon 11 observations of Clark County exceeding requirements in 1998, it is expected that Clark County will not attain the federal standards for air pollution caused by ozone within the next 3 years; and

WHEREAS, The federal standards for carbon monoxide, particulate matter and ozone cannot be attained and maintained within the Las Vegas Valley without the adoption and implementation of additional or improved strategies to control emissions, or both; and

WHEREAS, The failure to attain the standard for carbon monoxide by December 31, 2000, may result in the loss of federal money; and

WHEREAS, With the exception of heavy-duty motor vehicles, most motorized vehicles registered in the Las Vegas Valley are required to have an annual emission test as part of an inspection and maintenance program; and

WHEREAS, According to the Department of Motor Vehicles and Public Safety, in 1996, diesel-powered vehicles accounted for less than 2 percent of the vehicles registered in the Las Vegas Valley, yet the Department of

Comprehensive Planning in Clark County estimates that diesel-powered vehicles produce substantial amounts of nitrogen oxides, particulate matter and sulfur dioxides that are emitted directly into the air from on-road and nonroad mobile sources; and

WHEREAS, The Carbon Monoxide Air Quality Implementation Plan of 1995 from Clark County identifies gasoline-powered motor vehicles as the primary source of emissions of carbon monoxide within the Las Vegas Valley; and

WHEREAS, The provisions of NRS 445B.798 authorize the Department of Motor Vehicles and Public Safety to conduct a test of the emissions from a motor vehicle that is being operated on a highway in certain counties; and

WHEREAS, The Department agreed to begin conducting tests of the emissions from 50 percent of the motor vehicles in the Las Vegas Valley in the beginning of 2001, and to conduct tests of the emissions from 90 percent of the motor vehicles in the Las Vegas Valley by the end of 2001; and

WHEREAS, The provisions of NRS 445B.830 establish the pollution control account for the express purpose of providing money to the Department of Motor Vehicles and Public Safety, and to agencies in nonattainment or maintenance areas for carbon monoxide, for programs related to the improvement of the quality of air; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the programs for air quality control in Clark County.

2. In addition to the legislators, the Legislative Commission shall appoint an advisory committee to assist the subcommittee consisting of:

- (a) One member appointed by the Board of County Commissioners of Clark County, who shall serve as Chairman of the Committee;
- (b) One member appointed by the Board of County Commissioners of Clark County to represent the fuel industry;
- (c) Two members appointed by the Board of County Commissioners of Clark County to represent environmental concerns;
- (d) One member appointed by the Board of County Commissioners of Clark County to represent the Nevada Contractors Association;
- (e) One member appointed by the Regional Transportation Commission of Clark County;
- (f) One member appointed by the Board of Trustees of the Clark County School District;

- (g) One member appointed by the Board of Health of Clark County;
- (h) One member appointed by the Nevada League of Cities;
- (i) One member appointed by the Las Vegas Chapter of the Associated General Contractors of America;
- (j) One member appointed by the Southern Nevada Chapter of the Associated Builders and Contractors;
- (k) One member appointed by the Nevada Motor Transport Association;
- (l) One member appointed by the Southern Nevada Home Builders Association;
- (m) The Director of the Department of Motor Vehicles and Public Safety or his designee;
- (n) The Director of the Nevada Department of Transportation or his designee; and
- (o) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources or his designee.

3. The subcommittee of the Legislative Commission shall:

- (a) Contract with a qualified, independent consultant to conduct a study of the air quality in Clark County and negotiate the terms of the contract;
- (b) Establish the scope of the study; and
- (c) Ensure that the consultant is adhering to the scope of the study and will complete the study on time by requiring progress reports from the consultant and establishing a schedule for completion of the study.

Sec. 2. 1. The study of the air quality in Clark County conducted by the consultant pursuant to section 1 of this act must include, without limitation, an analysis of and recommendations concerning:

- (a) Existing programs related to air quality in Clark County and methods for improving the efficiency of such programs;
- (b) Programs that may be required in the future to meet standards pertaining to particulates, carbon monoxide, ozone and regional haze and visibility, including, without limitation, programs for the inspection of heavy-duty motor vehicles that are powered by diesel fuel, programs for the inspection and maintenance of light-duty motor vehicles, programs to manage urban haze and visibility, programs that involve the use of alternative fuels, remote sensing or alternative transportation, and estimates of the potential effectiveness of such programs;
- (c) Current and future funding requirements of programs related to air quality, sources of funding for such programs and methods of determining adequate levels of funding for such programs; and
- (d) The roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County, including, without limitation, recommendations concerning an institutional structure that will effectively address air quality issues in the Las Vegas Valley.

2. The consultant shall consider, when analyzing and making recommendations concerning a program related to air quality in Clark County:

(a) The cost-effectiveness of the program by comparing it with other programs related to air quality; and

(b) Whether the program is technologically feasible based on evidence relating to the availability, effectiveness, reliability and safety of any proposed technology that may be used in the program.

3. On or before June 30, 2000, the consultant shall submit a written report of the study to the subcommittee of the Legislative Commission.

4. On or before October 15, 2000, the subcommittee shall review the report submitted pursuant to subsection 3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee. The Legislative Commission shall submit its findings and recommendations for legislation to the 71st session of the Nevada Legislature.

Sec. 3. 1. In consultation with the State Environmental Commission and local air pollution control agencies, the Department of Motor Vehicles and Public Safety shall ensure the expedient implementation of an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions.

2. As soon as the equipment that is necessary becomes available, the Department of Motor Vehicles and Public Safety shall begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county whose population is 400,000 or more to determine whether the vehicles comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted thereto.

3. The Department of Motor Vehicles and Public Safety shall monitor the effectiveness of its programs for the inspection and maintenance of motor vehicles and shall implement improvements to provide the highest air quality and improvement in air quality.

4. The Department of Motor Vehicles and Public Safety shall implement its use of computers to ensure that its use of staff is efficient, to increase the number of staff that can conduct inspections of motor vehicles and to address current problems with the program to control emissions from motor vehicles.

Sec. 4. 1. There is hereby appropriated from the pollution control account in the state general fund to the Legislative Commission the sum of \$500,000 to pay for the costs associated with carrying out the provisions of this act.

2. The Legislative Commission shall determine the manner in which to expend the money appropriated pursuant to subsection 1 and shall distribute at least \$100,000 of the appropriation to the Department of Motor Vehicles and Public Safety for use by the Department in its program for the inspection of heavy-duty motor vehicles that are powered by diesel fuel.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective upon passage and approval.

~

APPENDIX D

Section Six Nevada State Environmental Commission Resolution Committing to the Adoption of Additional Measures for Attainment, Maintenance, and Conformity

KENNY C. GUINN
Governor

STATE OF NEVADA

PETER G. MORROS
Director

STATE ENVIRONMENTAL COMMISSION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706-0851
Telephone (775) 687-4670
Fax (775) 687-5856

June 14, 1999



1999 JUN 18 A 10:37

CHAIRMAN:

MELVIN D. CLOSE
Las Vegas, Nevada

VICE CHAIRMAN:

R. MICHAEL TURNIPSEED
State Engineer
Division of Water Resources

MEMBERS:

ALAN COYNER
Administrator
Division of Minerals
Department of Business
and Industry

TERRY CRAWFORTH
Administrator
Division of Wildlife

MARK S. DOPPE
Las Vegas, Nevada

FRED GIFFORD
Professor/UNR
Environmental and Resource
Sciences

MARLA BOIES GRISWOLD
Wells, Nevada

PAUL IVERSON
Administrator
Division of Agriculture
Department of Business
and Industry

JOSEPH L. JOHNSON
Reno, Nevada

ROBERT JONES
State Health Board
Reno, Nevada

ROY TRENOWETH
State Forester/Firewarden
Division of Forestry

DAVID R. COWPERTHWAITTE
Executive Secretary

Mr. Clete Kus
Clark County Comprehensive Planning Department
500 S. Grand Central Parkway
P.O. Box 551741
Las Vegas, Nevada 89155-1741

Dear Mr. Kus:

The Nevada State Environmental Commission on April 9, 1999 adopted the attached resolution concerning air quality in Clark County. This resolution represents the expression of the Commission's concern regarding pending and future air quality planning and management issues in Clark County.

Sincerely,

David R. Cowperthwaite
Executive Secretary



**ADOPTED RESOLUTION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION
APRIL 9, 1999**

Whereas it is the public policy of the State of Nevada to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property and preserve visibility and the scenic, esthetics and historic values of the state.

Whereas the State Environmental Commission has the authority to adopt regulations for the implementation of control strategies necessary to reduce motor vehicle emissions and to set standards for emissions from engines.

Whereas Clark County is in serious nonattainment for carbon monoxide and will likely be designated nonattainment for ozone.

Whereas motor vehicles produces over 85 % of the carbon monoxide in the Las Vegas Valley.

Whereas existing and proposed control measures are projected to result in attainment of the carbon monoxide standard by the year 2000; it has been determined that eventually vehicle miles traveled will exceed the benefit of existing control measures and additional control measures will be necessary to maintain air quality standards in the Las Vegas valley.

Whereas centralized loaded mode testing, lower hydrocarbon and carbon monoxide cut points, cold start standards, and more stringent regulation of gross polluters are examples of possible control strategies or reduction measures that may be necessary to meet and maintain national ambient air quality standards.

Now therefore be it resolved that the State Environmental Commission directs the Nevada Division of Environmental Protection, the Clark County Health District and the Clark County Comprehensive Planning Department to work with the Nevada Department of Motor Vehicles and Public Safety, and the Nevada Department of Agriculture to evaluate alternatives and to propose to the appropriate adopting body the most cost-effective and reasonably available control strategies necessary to achieve and maintain national ambient air quality standards and ensure conformity between the Transportation Improvement Program and the State Implementation Plan.

Now therefore be it resolved that the State Environmental Commission commits to adopting appropriate emission reduction measures as necessary to ensure that ambient air quality standards can be achieved and maintained in the Las Vegas valley and conformity between the Transportation Improvement Program and the State Implementation Plan can be demonstrated.

###

APPENDIX D

Section Seven Nevada Department of Motor Vehicles and Public Safety Letter of Commitment for Remote Sensing



DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY
REGISTRATION DIVISION

August 28, 1995

Dist.	Initial	Action
RBH		
TMM		
DAB		
JCH		
LAS		
CK	←	
FILE:		

Mr. John Kennedy
Acting Chief, Air Planning Branch
U.S. EPA, Region IX
75 Hawthorne Street, A-2
San Francisco, California 94105

Subject: Commitment to Increased Remote Sensing

Dear Mr. Kennedy:

The U.S. EPA's Transportation Conformity Rule (40 CFR 51.452) permits implementation plans to commit to control measures/programs and allows the associated emission reduction credit to be assumed during conformity determinations. This letter serves as a commitment to increased roadside remote sensing by the Nevada Department of Motor Vehicles and Public Safety, Registration Division.

Pursuant to Nevada Revised Statutes 445.625, the Nevada Department of Motor Vehicles and Public Safety has the authority to establish procedures for collecting, interpreting and correlating information concerning programs to control emissions from motor vehicles and any benefits which will result from an inspection program. It is the intent of the Department of Motor Vehicles and Public Safety, Registration Division, to implement a remote sensing program which will target 50 percent of the motor vehicles operating in the Las Vegas Valley in 2001 and increase to 90 percent of the local motor vehicle fleet by 2011.

To facilitate enforcement of remote sensing activities, Senate Bill 570, passed during the 1995 legislative session, requires owners of high emitting vehicles identified operating on public roadways to be retested upon notice. To encourage compliance with the State's

555 WRIGHT WAY
CARSON CITY, NV 89711

Bureau of Enforcement
Insurance Verification
Emission Control
Motor Carrier Bureau

305 GALETTI WAY
RENO, NV 89512

Registration
Bureau of Enforcement
Emission Control
Motor Carrier Bureau

2701 E. SARARA AVENUE
LAS VEGAS, NV 89104

Registration
Bureau of Enforcement
Emission Control

825 W. FLAMINGO
LAS VEGAS, NV 89117

Registration
Bureau of Enforcement
Emission Control

3920 IDAHO STREET
ELKO, NV 89801

Registration
Bureau of Enforcement

178 N. AVENUE F
ELY, NV 89301

Registration
Motor Carrier Bureau

4021 W. CAREY
NO. LAS VEGAS, NV 89030

Registration
Motor Carrier Bureau

215 W. BRIDGE STREET
YERINGTON, NV 89447

Registration

TONOPAH STATION
P.O. BOX 1912
TONOPAH, NV 89409

Registration

1360 BASIN ROAD
PAHRUMP, NV 89041

Registration

1305 CONSTRUCTION ROAD
WINNEMUCCA, NV 89445

Registration

985 W. WILLIAMS STREET
FALLON, NV 89406

Registration

1694 COUNTY ROAD
MINDEN, NV 89423

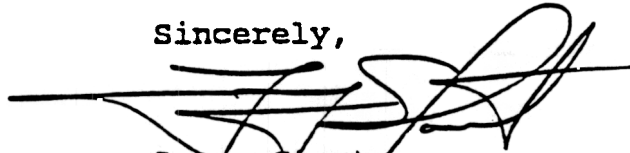
Registration

Mr. John Kennedy
Acting Chief, Air Planning Branch
August 28, 1995
Page 2

motor vehicle emission standards, this bill permits the suspension of a polluting vehicle's registration if evidence of compliance with vehicle emission standards is not presented to this Department within 30 days of notification.

In closing, this commitment to increased remote sensing of motor vehicles will provide substantial air quality benefits and assist in attaining/maintaining national ambient air quality standards. Should you have any questions regarding this commitment, please do not hesitate to contact me.

Sincerely,



Larry Stout
Assistant Chief
Registration Division
Bureau of Enforcement

LS/bnm



APPENDIX D

Section Eight Regional Transportation Commission Resolution No. 149 Committing to VMT Tracking and Reporting

REGIONAL TRANSPORTATION
OF
CLARK COUNTY

AGENDA ITEM

SUBJECT: Administration Planning Transit Street & Hwy.

ADOPT A RESOLUTION COMMITTING RTC TO PREPARATION OF AN ANNUAL VEHICLE MILES TRAVELED TRACKING REPORT

PETITIONER:

LEE G. GIBSON, Planning Coordinator

RECOMMENDATION BY PETITIONER:

ADOPT THE RESOLUTION

FISCAL IMPACT:

Staff time and cost is included in the RTC's Unified Planning Work Program ("UPWP") as task number #1500 - Transportation and Air Quality Planning Services

BACKGROUND:

Section 187 of the Clean Air Act Amendments of 1990 ("CAA") provides that non-attainment areas with a carbon monoxide design day value of greater than 12.7 ppm must file an annual tracking report covering estimates and forecasts of vehicle miles traveled ("VMT") within the non-attainment area. As a component of the carbon monoxide State Air Quality Implementation Plan ("SIP") revision now being drafted, the Department of Comprehensive Planning has requested that the RTC adopt a resolution committing to future preparation of the VMT Tracking Report.

The VMT estimate for 1995 shall serve as the basis for the carbon monoxide SIP's attainment demonstration. Subsequent year forecasts serve to document the region's air quality improvement and continued maintenance of the national attainment standard (9.0 ppm). The VMT Tracking Report will also monitor the extent to which prior year estimates and forecasts have proven accurate.

Respectfully submitted,

Dennis W. Mewshaw

for:

LEE G. GIBSON
Planning Coordinator

**RESOLUTION OF THE REGIONAL TRANSPORTATION COMMISSION
OF CLARK COUNTY, NEVADA COMMITTING THE AGENCY TO
PREPARE VEHICLE MILES TRAVELED FORECASTS AND REPORTS**

WHEREAS: the Las Vegas Valley (Hydrographic Basin #212) has been classified by the United States Environmental Protection Agency ("U.S. EPA") as a moderate non-attainment area for carbon monoxide with a design value in excess of 12.7 parts per million ("ppm"); and,

WHEREAS: carbon monoxide non-attainment areas with design values exceeding 12.7 ppm are required under Section 187(a)(2)(A) of the Clean Air Act Amendments of 1990 to submit to the U.S. EPA vehicle miles traveled ("VMT") estimates and forecasts, along with reports on actual vehicle miles traveled, on an annual basis each September; and,

WHEREAS: the Regional Transportation Commission ("RTC"), as the designated Metropolitan Planning Organization, has the obligation to prepare long-range transportation plans and three-year transportation improvement programs, in cooperation with the State, which include all federal transportation projects and other regionally significant transportation projects regardless of funding source; and,

WHEREAS: the RTC, as the designated Metropolitan Planning Organization, has the responsibility to make air quality conformity determinations for transportation plans and transportation improvement programs prepared for and/or undertaken within the non-attainment area; and,

WHEREAS: the RTC is responsible for maintaining current socio-economic and demographic data files, a regional travel demand model, and the preparation of estimates and projections of traffic volumes, as the basis for regional transportation planning.

NOW, THEREFORE, BE IT RESOLVED by the Regional Transportation Commission of Clark County, Nevada that the agency shall prepare VMT estimates and forecasts, and shall deliver to the U.S. EPA, not later than September 30th of each year, a VMT Tracking Report in accordance with Section 187(a)(2)(A) of the Clean Air Act Amendments of 1990 and U.S. EPA regulations.

PASSED, APPROVED AND ADOPTED this 13 day of July 1995.

REGIONAL TRANSPORTATION COMMISSION
of CLARK COUNTY, NEVADA

By: Bruce L. Woodbury
BRUCE L. WOODBURY, Chairman

ATTEST: July 13, 1995

Laura A. Toya
LAURA A. TOYA, Executive Secretary

APPENDIX D

Section Nine Regional Transportation Commission's Resolution on the CATMATCH Program

Resolution No. 186

RESOLUTION OF THE REGIONAL TRANSPORTATION
COMMISSION OF CLARK COUNTY COMMITTING TO ANNUAL
REPORTING OF THE CAT MATCH PROGRAM AND REMEDYING
ANY EMISSION REDUCTION SHORTFALLS FROM THIS PROGRAM.

WHEREAS, on June 10, 1999, the Regional Transportation Commission adopted Resolution No. 177 which established program guidelines for the administration of the CAT MATCH commuter incentive program; and

WHEREAS, the U.S. EPA has issued guidance allowing for the incorporation of Voluntary Mobile Source Emission Reduction Programs (VMEPs) in State Implementation Plans to receive emission reduction credits to assist in efforts to attain National Ambient Air Quality Standards (NAAQS); and

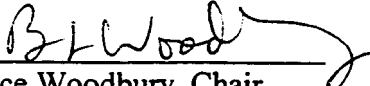
WHEREAS, It is necessary to include the anticipated emission reductions from the CAT MATCH Program in Clark County's Carbon Monoxide Air Quality Plan to demonstrate attainment of the carbon monoxide NAAQS; and

WHEREAS, in order for the CAT MATCH Program to comply with requirements of VMEPs, commitments are required to that monitoring of program activities and emission reductions do occur;

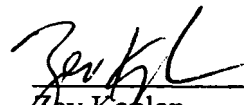
NOW, THEREFORE, BE IT RESOLVED, that the Regional Transportation Commission, in order to ensure that the reductions required by the Carbon Monoxide State Implementation Plan are actually achieved, commits to implementing the CAT MATCH Program, monitoring participation and preparing annual reports comparing actual participation to that of predicted participation utilizing the methodology contained in the County's air quality plan. This report will be submitted no later than February 15th of each year.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Regional Transportation Commission does hereby commit to remedying, in a timely manner, any shortfall of carbon monoxide emission reduction resulting from actual participation levels in the CAT MATCH Program being lower than predicted participation levels.

APPROVED AND ADOPTED this 8 day of June, 2000



Bruce Woodbury, Chair
Regional Transportation Commission
of Clark County



Zev Kaplan
General Counsel

APPENDIX D

Section Ten On-Board Diagnostics Regulations



STATE ENVIRONMENTAL COMMISSION
CLARK COUNTY
COMPREHENSIVE
PLANNING

333 W. Nye Lane, Room 138
Carson City, Nevada 89706-0851
Telephone (775) 687-4670
Fax (775) 687-5856
www.state.nv.us/ndep/admin/



2000 JUL -3 P 3: 26

RECEIVED June 22, 2000

CHAIRMAN:

MELVIN D. CLOSE
Las Vegas, Nevada

VICE CHAIRMAN:

R. MICHAEL TURNIPSEED
State Engineer
Division of Water Resources

MEMBERS:

ALAN CONNER
Administrator
Division of Minerals
Commission on
Mineral Resources

TERRY CRAWFORTH
Administrator
Division of Wildlife

DEMAR DAHL
Fallon, Nevada

MARK S. DOPPE
Las Vegas, Nevada

FRED GIFFORD
Professor UNR
Environmental and Resource
Sciences

PAUL IVERSON
Director
Department of Agriculture

JOSEPH L. JOHNSON
Reno, Nevada

ROBERT JONES
State Health Board
Reno, Nevada

ROY TRENOWETH
State Forester Firewarden
Division of Forestry

DAVID R. COWPERTHWAIT
Executive Secretary

Ms. Brenda Erdoes, Legislative Counsel
Legislative Counsel Bureau, Legal Division
401 South Carson Street
Carson City, Nevada 89701-4747

Re: LCB File No. R-055-00 (Environmental Commission Petition 2000-07)

Attention: Ms. Mary Bennett

Dear Ms. Bennett:

Enclosed for review and approval by the Legislative Commission and for filing with the Secretary of State, pursuant to Nevada Revised Statutes 233B.067, is the original of the adopted permanent amendments to the Nevada Administrative Code. This is for petitions R-055-00 (SEC Petition 2000-07).

This petition was adopted and amended in Section 4 by the Environmental Commission on June 20, 2000.

If you have questions concerning this matter, please contact me at 687-4670 ex. 3118.

Sincerely,
David R. Cowperthwaite
David R. Cowperthwaite
Executive Secretary

Enclosure: Adopted Regulation
Informational Statement (4 copies)
Secretary of State Form (4 copies)

cc: Colleen Cripps, Chief, Bureau of Air Quality
Brian Kunzi, Deputy Attorney General

ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R055-00

Explanation - Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted and language underscored represents amendments by the State Environmental Commission.

AUTHORITY: §§1-4, NRS 445B.210 and 445B.770.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto a new section to read as follows:

1. Any motor vehicle with a 1996 or newer model year which is equipped with a certified on-board diagnostic system and which is subject to inspection pursuant to chapter 445B of NRS in a county whose population is 400,000 or more, as a condition of compliance with the inspection, must have the certified on-board diagnostic system inspected.

2. The department shall develop test procedures and certify equipment to be used for inspecting certified on-board diagnostic systems in a county whose population is 400,000 or more.

3. As used in this section:

(a) "Certified on-board diagnostic system" means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.

(b) "Population" has the meaning ascribed to it in NRS 0.050

Sec. 2. NAC 445B.575 is hereby amended to read as follows:

445B.575 1. Except as otherwise provided in this section, a person shall not:

(a) Sell, offer to sell, display, operate or leave standing any motor vehicle which is required by state or federal law to be equipped with a device for the control of pollution unless the device is correctly installed and in operating condition.

(b) Disconnect, alter or modify any such required device.

~~2. The~~ *Except for section 1 of this regulation, the* provisions of subsection 1 and NAC 445B.576 to 445B.582, inclusive, do not apply to an alteration or modification of a motor vehicle to use fuel other than gasoline or diesel fuel where the alteration or modification is effected without violating existing federal and state standards for the control of exhaust emissions.

3. The provisions of subsection 1 do not apply to a wholesale transaction between licensed dealers of motor vehicles.

4. The department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection 4 of NAC 445B.580.

5. As used in this section, a "device for the control of pollution" includes, without limitation, a gasoline cap which meets the specifications of the manufacturer of the motor vehicle and seals the neck or pipe of the fuel filler.

Sec 3. NAC 445B.6115 is hereby amended to read as follows:
445B.6115 The provisions of NAC 445B.575 to 445B.601, inclusive, *and section 1 of this regulation* do not apply to a motor vehicle that is certified as a restored vehicle by the department pursuant to NAC 445B.6125.

Sec 4. This regulation becomes effective on the date the state environmental commission notifies the department of motor vehicles and public safety that:

1. The amount of carbon monoxide in the air in Clark County exceeds the national ambient air quality standards for carbon monoxide set forth in 40 C.F.R. Part 50; or
2. The actual vehicle miles traveled exceed ~~[the allowed deviation from]~~ the projected vehicle miles traveled set forth in the state implementation plan which has been approved by the United States Environmental Protection Agency.

#

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PERMANENT PETITION 2000-07 (R-055-00)
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This permanent regulation deals with amendments to the vehicle emission inspection and maintenance program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2000-07 (R-055-00), was noticed seven (7) times: March 21, March 29, April 6 and May 19, May 22, May 31 and June 8, 2000 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. A report was prepared that summarized the public meetings. Workshops were held on March 22, 2000 in Reno, March 23, 2000, May 26, 2000 and June 1, 2000 in Las Vegas. Affected emission inspection stations were mailed the proposed rules, including other interested parties. The regulation was adopted by the State Environmental Commission on June 20, 2000. Verbal comments opposing the regulations because of the need for an accurate emissions inventory were expressed by the Nevada Environmental Coalition and letter of support (Exhibit 5) of the petition was submitted by Clark County Comprehensive Planning Department. No written comments were received at the Commission's hearing opposing this permanent regulation were received. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	28
(b)	Testified at each hearing:	1
(c)	Submitted to the agency written comments:	1

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral testimony was received that opposed or supported the permanent regulation. No written testimony was received relating to the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission on June 20, 2000 with minor amendments.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The regulation, if implemented would have a one-time economic impact on the inspection stations that are regulated under this program. There are approximately 400 stations in Clark and Washoe counties, including automotive dealerships and fleet stations. New equipment costs are estimated at about \$ 5,000 per station. It is expected, however, that many of these stations already own a computer that can be used with existing equipment, thereby reducing the cost for capital investment to approximately \$ 2,000 for the necessary OBD system equipment. The proposed regulation for On Board Diagnostics (OBD) may in the long term result in the replacement of existing tail pipe testing, thereby reducing station equipment and maintenance costs. This regulation affects only Clark county. It is a state implementation plan contingency measure that would go into effect if the ambient air quality standard for carbon monoxide is exceeded or if actual vehicle miles traveled exceed those defined in the U.S. EPA approved state implementation plan.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase of an existing fee.

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: Petition 2000-07 (LCB File R-055-00) permanently amended NAC 445B.400 to 445B.774, the air quality regulations governing the Inspection and Maintenance (I/M) program in Clark County. The adopted regulation adds a requirement for inspection of the on-board diagnostic (OBD) system for model year 1996 and new motor vehicles to ensure the proper operation of the vehicles emission control components. The definition of "certified on-board diagnostic system" is added. The regulation is a contingency measure for air quality and becomes effective only if the carbon monoxide in Clark County exceeds the national ambient air quality standards or the number of actual vehicle miles traveled exceeds the projected vehicle miles traveled as set forth in the state implementation plan.

Authority citation other than 233B: NRS 445B.210 (1-4) and 445B.770

Notice date: March 21, March 29, April 6, and May 19, May 22, May 31 and June 8, 2000

Hearing date: June 20, 2000

Date of Adoption of Agency: June 20, 2000

APPENDIX D

Section Eleven Public Participation Documentation

- **Summary of Public Participation Activities.**
- **Written Comments and Responses.**
- **Public Hearing Noticing, Comments and Responses.**

SUMMARY OF PUBLIC PARTICIPATION ACTIVITIES IN THE DEVELOPMENT OF THE CARBON MONOXIDE STATE IMPLEMENTATION PLAN

The preparation of this revised “serious area” Carbon Monoxide State Implementation Plan included participation by professionals, industry representatives and lay persons. Opportunities to be involved in the development of the plan came from attendance and participation at Air Quality Planning Committee meetings, a public workshop and the public hearing. This builds upon similar opportunities previously provided in conjunction with the September 1999 version of this plan that also included numerous Urban Airshed Modeling Technical Oversight Committee meetings. In addition to these public meetings and forums, interested persons were also provided the opportunity to meet with staff to address specific areas of concerns throughout the planning process. This section serves to formally document the avenues of participation associated with the development of this plan.

The Clark County Air Quality Planning Committee was created by the Clark County Board of Commissioners to establish a coordinated approach in developing air quality plans, provide recommendations on air quality issues and identify appropriate measures to abate air pollution. Each local government has a representative on this committee including representatives from the following agencies: Clark County Health District, the Regional Transportation Commission, McCarran International Airport, University of Nevada-Las Vegas, and the Nevada Department of Transportation. Committee members continually provided technical assistance throughout the development of the emission inventory, modeling, control measure evaluation and plan preparation. Special interest groups and industry representative also attended these meetings on a regular basis. These meetings were open to the public and complied with Nevada’s open meeting law (NRS Chapter 241). As the revised plan was being developed, relevant discussion occurred at Clark County Air Quality Planning Committee meetings held on the following dates: December 15, 1999, February 2, 2000, March 1, 2000, April 5, 2000 and May 10, 2000.

As this Plan was being revised, regular meeting and telephone conference calls were conducted with the EPA with representation from the Nevada Division of Environmental Protection, the Regional Transportation Commission, Clark County Air Quality Division and Clark County Comprehensive Planning. Meetings occurred on the following dates: February 17-18, March 14-15, April 11, May 3, June 8, 2000. Conference calls occurred on December 2, 1999, March 2, March 29, May 16, and July 12, 2000.

On June 20, 2000, the Clark County Board of Commissioners initiated a 30 day public comment period and set a public hearing date of August 1, 2000, to receive public comments on the plan. At the beginning of the noticing period, approximately 70 copies of the draft plan were distributed to various groups, industry representatives and interested persons. A public workshop was held on July 11, 2000, at the Clark County Government Center. The purpose of this workshop was to assist individuals in gaining a better understanding of the plan along with addressing their specific questions. During the public comment period, copies of the draft plan were placed at six libraries in the greater Las Vegas Area and were also available from the Department of Comprehensive Planning. Additionally, an electronic version of the plan was placed on the Clark County's web site.

The 30 day notice of the public hearing began on June 21, 2000, and the public hearing on the Carbon Monoxide Plan was held in conjunction with the Board of County Commissioners Meeting on August 1, 2000, at the Clark County Government Center. One individual verbally commented on the plan at this meeting. Following the conclusion of the hearing, staff addressed the person's comment(s) expressed at the hearing. A verbatim summary of the comments made at the public hearing, along with our responses, are contained in this section following the written comments/responses.

As a result of the public review and comment period, three individuals/organizations provided written comments on the Carbon Monoxide State Implementation Plan. These written comments and responses, along with those submitted at the public hearing are contained immediately follow in this section.

Public noticing on the plan, public hearing and workshop occurred through advertisements in the legal section of the Las Vegas Review Journal and the Las Vegas Sun as well as on the County's web site. Copies of the affidavit of publication are contained at the end of this section.

**RESPONSES TO WRITTEN COMMENTS RECEIVED ON THE JULY 2000
DRAFT CARBON MONOXIDE STATE IMPLEMENTATION PLAN**
(Comments are answered by number as indicated on comments)

DENNIS MEWSHAW, AIRPORT PLANNING MANAGER
MCCARRAN INTERNATIONAL AIRPORT.

In a 16 page facsimile dated June 23, 2000, consisting of selected pages of the draft document, Mr. Mewshaw provided comments and suggestions for draft CO SIP. Included in the suggestions were editorials and recommended changes to correct for typographical errors. These recommended changes have been noted and the typographical errors have been corrected.

MR. ROBERT HALL
NEVADA ENVIRONMENTAL COALITION
LAS VEGAS, NV

Objection 1:

Thirty days public notice is a minimum time for public review, adequate time has not been provided for the public to conduct a review and comment on the plan. Alleged withholding of important information, information presented is vague, ambiguous and unintelligible. Concerns related to notices of changes in the plan publicly noticed and NRS 233B.0607.

Response: We agree with the statement that thirty days public notice is a minimum requirement for noticing of the public hearing as set forth by 40 CFR § 51.102. On June 20, 2000, the Board of County Commissioners initiated a 30 day public comment period (that is not specifically required or mentioned in either Section 110 (a) (2) or 40 CFR § 51.102) and set a public hearing on the plan to be conducted on August 1, 2000. This equates to 42 days for the public or other interested parties to review the plan. This draft CO SIP is a revision to the September 1999 Carbon Monoxide State Implementation Plan. The only substantive changes have occurred to control measures, contingency measures and future year modeling. A number of opportunities exist, such as Clark County's Air Quality Planning Committee meetings, for interested persons to be involved in the SIP revision process that was initiated in November 1999. Staff has also extended an invitation to meet with concerned citizens and groups to discuss all aspects of the draft SIP and also conducted a workshop on July 11, 2000.

We do not agree with the generalized and unsubstantiated statement that "The County and EPA have both held back important information from the public." The air quality planning and SIP development process can be difficult for the lay person to understand. Efforts have been made to present the information in a manner that is clear and understandable to the public while meeting the SIP submittal requirements. As mentioned above, numerous efforts have been made by the County to involve interested persons in the process and to assist them in their efforts to gain a complete understanding.

The thirty day comment period and the public hearing provide an opportunity for comment to be received on the draft CO SIP. As a result of the comment period, no substantive changes are anticipated to occur on the draft CO SIP. In the event that major changes are needed it would be the responsibility of the District Attorney's Office to provide guidance to the Board and staff about state and federal requirements relevant in this instance. It is staffs interpretation of the citation to NRS 233B.0607, which is part of the Nevada Administrative Act, is only applicable to state agencies, boards and commissions of the executive department of the state government.

Objection 2.

Requested notices and opportunity to attend all meetings involving any federal, state or local agency operating in Clark County, Nevada. Reference to an attached November 4, 1999, communication to the EPA that has not received a response.

Response: Clark County was not aware of the request made to the EPA and it is not appropriate for County staff to respond on this issue. The Nevada Environmental Coalition continues to receive notice of regularly scheduled Air Quality Planning Commission Meetings. Between November 1999, and July 2000, five meeting have occurred with the EPA to discuss the resolution of issues related to the revised carbon monoxide SIP. These meeting were open to the public. Typically, those who chose to attend were key staff present to discuss the issues. The NEC commentor is in frequent contact with Comprehensive Planning staff and is regularly invited to meet wit staff anytime he so chooses. In any case, the criticism appears to be focused on the EPA and its actions, not this plan and the actions of County staff.

Objection 3

Reference is made to a telefacsimile sent to Nia Spiegelman requesting information on NOV's filed applicable in Nevada that has not been responded to.

This objection is not related to the draft CO SIP nor was the request made to Clark County, Nevada.

Objection 4:

The Clark County Health District has moved monitoring sites in order to reach CO attainment.

Response: In the spring of 1996, the U.S. EPA, Region IX, conducted a review of the Clark County Health District's carbon monoxide monitoring network. A summary of their findings, including the relocation and siting of additional monitors within the Las Vegas Valley was published in the Federal Register on June 26, 1996 (62 FR 34419). This action followed prescribed federal guidelines related to the subject matter and the noticing provides full disclosure to the public. We would also point out that the relocated

station is within 2000 feet of the old site and that violations of the CO standard were in fact monitored after the site was moved.

Objection 5:

Data is manipulated by the cross use of inappropriate modeling and the inappropriate mixing and matching of data.

Response: As part of the SIP development process, a modeling protocol is prepared and submitted to the EPA. It requires EPA's approval prior to initiating the modeling. This document describes in detail, the entire modeling process that will be followed in preparing the SIP. Clark County did submit the required protocol documents. These documents are located in technical Appendix C, Section 1. We are confident that the modeling that has been conducted in accordance with EPA requirements and guidelines. In a letter from Scott Bohning, EPA Region IX, the following statement is made, "In summary, I conclude that from my review of the initial modeling results that the proposed approach is as consistent with EPA modeling guidance ..." (see last page of Appendix C, Section 4). It is also important to indicate that a modeling oversight committee was established to guide the modeling process and these meetings were open to the public. This was an additional avenue for interested individuals to be involved and become more knowledgeable about the modeling process. We also consider the data used in developing the SIP as being the most accurate and recent that is available.

The commentor has suggested that the SIP did not look at alternatives for emission budgets. The SIP is designed to look at the future as affected by the rates of growth, land use patterns and transportation infrastructure development that is expected to occur over the time frame the SIP addresses. It is not the role of the SIP, nor the intent of the Clean Air Act, to try to change those factors.

Objection 6:

The source of area source information in Table 3-2 of the plan is vague and ambiguous.

Response: Chapter Three of draft CO SIP was included to provide the reader with a summary of the carbon monoxide emissions inventory applicable to the Las Vegas Valley. As stated in the introductory paragraph, additional detailed information is contained in Appendix A. In regards to the comment that there is no evidence that data from the EPA source has any relation to conditions in the Las Vegas Valley, local air agencies must rely on the data EPA provides to estimate emissions from at least some of the area sources. It is cost prohibitive for local air agencies to conduct individual, localized studies to measure the emissions from these sources, particularly in light of the fact that locally, such sources are not the cause of elevated CO levels.

Objection 7:

The Plan focuses on a narrow set of data involving one of the quietly relocated monitoring sites and that despite rampant growth concentrations will be reduced.

Response: We have some difficulty fully understanding the comments. Monitored data from all of the Health Districts 14 permanent CO monitoring sites combined with data from 30 special study sites serve as the foundation or baseline of the modeling that the County conducted. The site selected for the attainment demonstration represents the “worst case” site with the highest monitored values in the Valley. If the controls put in place valley wide can demonstrate attainment at this site then the same will be true for all other sites with lower values. The modeling indicates that based on current growth projection, the Valley will attain the national CO air quality standard and maintain it past the year 2020. The plan and the accompanying support documentation contains data that supports this conclusion. The relocation effort was a very public process, subject to much public discussion and coverage by the media.

Objection 8:

The emission database is not reasonably complete, accurate nor current; inaccuracies and omissions are substantive.

Response: This comment is not substantiated with fact. We are confident that all large stationary sources having actual emission greater than 100 tons per year (tpy) are included in the stationary source inventory. Sources less than 100 tpy are accounted for in the area source inventory but not identified as a separate source. This is consistent with EPA protocol and guidance.

Objection 9:

Objection to the use of any 1990 inventory as the basis for any other data base or inventory.

Response: The 1990 Clean Air Act Amendments specifically called for a 1990 base year emissions inventory to be prepared. This inventory has been updated to reflect changes that have occurred to stationary sources and projection factors have been applied following EPA guidance to reflect 1996.

Objection 10:

Objection to the failure of the Plan to consider findings and recommendations of the Nevada’s Legislature’s S.B. 432 subcommittee ENVIRON report.

Response: The S.B. 432 report evaluated control measures but did not make a specific recommendation. The commentor questioned the CCHD’s ability to enforce this SIP. In any case, we have met the requirement that the SIP demonstrates attainment with the

control measures the plan contains. The CO SIP's success is dependent upon the implementation of mobile source control measures not under the direct jurisdiction of the CCHD. Therefore, their capabilities as an agency are not germane to this SIP.

Objection 11:

The County and EPA attempting to approve a CO SIP without credible emissions budgets and without first acquiring valley federal agency conformity determinations.

Response: Emission budgets are prepared as a result of modeling to demonstrate attainment which are typically expressed in units of tons per day. The emission budgets set in the SIP for future years have been demonstrated through modeling to be sufficient to meet the needs of the community and allow the area to attain the standard. Collectively, the emission rates of tons per day from all source categories correlate to the maximum pollutant concentration that an area (airshed) can accommodate without exceeding the national air quality standard.

All federal agencies that operate in the Las Vegas Valley are required to comply with the Clark County Health District's Air Pollution Control Regulations. As such, any agency that conducts activities that emit air pollution are required to obtain applicable permits. It is through this process that Clark County becomes knowledgeable about the extent which these agencies cause air pollution. It is also important to note that the Conformity Rule is a Federal Regulation. We are not aware of any Federal agencies failure to comply with the conformity requirements, nor did the commentor offer specific facts to support the allegation. In any case, it is the function of the SIP to set the emission budget to which these agencies must conform.

Objection 12:

Objection to the failure of the EPA to implement a Federal Implementation Plan.

Response: The Clean Air Act and the Code of Federal Regulations specifies when the EPA the can impose a FIP. Under the most recent noticing, Clark County has until August 2001, before EPA can elect to proceed with the preparation of a FIP. We are confident that this plan can be approved by the EPA as all applicable guidance, regulations and procedures have been adhered to while the plan was prepared and EPA Region IX was involved in each step of the process.

Response to comments regarding Conformity (pages 9-13).

Reference is made to 40 CFR 93.105 § 93.105(e) mentioning that the plan lacks evidence that is was developed through consultation with federal agencies. This regulation is titled Determining Conformity of Federal Actions to State or Federal Implementation Plans. It has no applicability as the draft CO SIP. Therefore, this comment is not applicable as it would be the responsibility of the Federal agencies to conform to the SIP after it has been adopted.

This consultation requirement was adhered to in developing the Transportation Conformity Plan for the Las Vegas Valley Nonattainment Area (March 1999). Furthermore, the Regional Transportation Commission has kept the FHWA/FTA informed of issues as the draft CO SIP was being developed.

The commentor again raised the issue of the accuracy of the emission inventory. We would reiterate that the inventory is accurate for the timeframe it covers and that all significant sources of CO are accurately accounted for.

Response to general comments (pages 13-14)

We appreciate your comments about Clark County personnel

Responses to comments under the heading "A Detailed Analysis of the Plan's Deficiencies and Omissions.

Comment 1: A failure to provide reasonable public notice pursuant to § 110 (a) (2).

As indicated in the comment, Section 110 (a) (2) requires that "each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing." The procedural requirements related to this matter are specified in 40 CFR §51.102. This procedural regulation requires that "States must conduct one or more public hearings prior to the adoption and submission (of a plan) to EPA. Any hearing required by (this) paragraph will be held only after reasonable notice, which will be considered to include, at least 30 days prior to the date of such hearing(s). Notice will be given to the public by prominent advertisement in the area affected announcing the date(s), time(s) and place(s) of such hearing."

Notice of the hearing occurred on June 21, 2000 and July 1, 2000, in the legal section of the Las Vegas Review Journal and the Las Vegas Sun 30 days in advance of the public hearing scheduled for August 1, 2000. The procedural requirements do not require a public comment period on an air quality plan prior to adoption and submittal to the EPA.

The following is in response to the comment referencing § 307 (h) and the accompanying quote "...a reasonable period for public participation of at least 30 days ..." This section of the Act addresses general provisions relating to administrative proceedings and judicial review and is only applicable to the EPA Administrator. As this section of the Act specifically applies to the EPA, it is not appropriate to link this requirement to the adoption of an air quality plan at the State or local government level.

Furthermore, the draft CO SIP is a revision to the September 1999 Carbon Monoxide State Implementation Plan. The only substantive changes have occurred to control measures, contingency measures and future year modeling. A number of opportunities exist, such as Clark County's Air Quality Planning Committee meetings, for interested persons to be involved in the SIP revision process that was initiated in November 1999. Staff has also extended an invitation to meet with concerned citizens and groups to

discuss all aspects of the draft SIP and also conducted a workshop on July 11, 2000. Considering these facts, it is clear that staff has, at the very least, complied with the law.

Comment 2: A failure of implementation of enforceable emission limitations pursuant to § 110 (a) and § 172 (c) (1) and (5).

Comments are made regarding administration of the Clark County Health District, Air Pollution Control Division's (APCD) NSR and NSPS programs, reference to an administrative review conducted by the EPA, and Notices of Violation issued to stationary sources in Clark County by the EPA. As mentioned in the comment, the Clark County Health District does have a New Source Review program in place. It is the responsibility of the EPA to monitor the effectiveness of this and other APCD programs and recommend improvements directly to the District. To date, the EPA has not identified NSR issues or other emission limit issues that are pertinent to the SIP.

Comment 3: A failure of appropriate monitoring pursuant to § 110 (a) (2) (B) and § 172 (b) (2).

In the spring of 1996, the U.S. EPA, Region IX, conducted a review of the Clark County Health District's carbon monoxide monitoring network. A summary of their findings, including the relocation and siting of additional monitors within the Las Vegas Valley was published in the Federal Register on June 26, 1996 (62 FR 34419). The EPA concluded that it was appropriate for the East Charleston monitoring site to be relocated.

Information pertaining to the sources of information on the emissions inventory is contained in Appendix A. The closest monitor to McCarran Airport is located at the Northeast corner of Las Vegas Blvd. and Tropicana Avenue. The site is within one-half mile of the airport's property boundary. This site is also situated at the most heavily travelled intersection in the State. No violations of the CO standard have ever been measured at this location. There is no environmental injustice issue at this location nor has any evidence been presented that the Health District is evading the requirements and guidelines applicable to ambient monitoring.

We will work with EPA, Region IX, and the Clark County Health District to determine if there is a benefit to conducting a CO saturation study designed to determine if additional monitors are needed.

Comment 4: A failure of Enforcement pursuant to § 110 (a) (2) (C)

It is the responsibility of the EPA to conduct audits and periodic reviews of State and local air quality regulatory agencies. Through this process, the EPA makes recommendations to the responsible agency for the purpose of resolving any deficiencies and upholding the intent of the Clean Air Act Amendments (CAAA).

Comment 5: A failure to recruit and retain adequate personnel pursuant to § 110 (a) (2) (E).

We do not agree with the comment that the Health District does not have adequate, competent, well educated personnel to implement the provisions of § 110 (a) (2) (E). No response is provided to concerns related to the most recent and previously submitted NRS SIP's as they have all undergone a separate comment period. The CCHD has adequate resources to carry out its responsibilities under the SIP. For example, it has contracted with CARB to verify that the wintertime fuel standards are being met. The State has adequate resources to administer and implement the Smog Check Program (State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for the Las Vegas Valley and Boulder City, Nevada, Appendix 7, March 1996, NDEP). Concerns raised on the ambient monitoring of carbon monoxide within the Las Vegas Valley have been addressed by the EPA's Technical Support Office and their findings were published in the Federal Register on June 26, 1996 (62 FR 34419). We believe that the 14 carbon monoxide monitors operated by the Air Pollution Control Division are properly sited and provide adequate coverage to measure the extent and severity of the carbon monoxide concentrations during stagnant periods. The CCHD has been responsive to request the monitoring network, as evidenced by the monitor that was sited in the City of Las Vegas at their request in 1999.

In response to concerns raised on County airport emissions, the Department of Aviation recently completed a detailed emissions analysis on their facilities. A decision was made, late in the processes of finalizing the September 1999 CO plan, to include this new information. Every effort is made to insure that accurate and current information is used in estimating emissions from each source category along with the latest estimation tools (models).

There is no misinterpretation in the plan regarding Ms. Ward. She was instrumental in developing the 1990 base year emission inventory that serves as the basis for the 1996 emission inventory.

Comment 6: Carbon Monoxide Dispersion Modeling, Modeling Protocol and Assumptions, Clark County Department of Aviation, April 29, 1999.

The statement that Appendix D includes a Leigh Fisher Associates report of a 1997 emissions inventory for nonattainment area airports is incorrect. One document does reference this specific report as it is used as an information source for fuel use in conjunction with the emission inventory conducted by Ricondo and Associates. It is our position that Ricondo estimate of 36.4 tons per day is the most current and accurate emissions estimate of CO contributions from the three county airports.

We believe that the documentation of the airports emissions inventory contained in Appendix C is adequate in explaining the methodology related to delays and taxiing along with all other airport sources. The comment that Table 6-5 of the Plan shows expected lower modeled levels of CO at receptor 277 for McCarran Airport is not correct. The information presented in this table indicates that concentrations will increase in future years but levels will be below the national standard. We are aware of the Nellis EIS cited and have attempted to obtain a copy of the support documentation to verify the

methodology and related data. The emissions from landing and take-offs for Nellis AFB contained in the plan are higher (2.86 tpd) than the amount indicated in the EIS (2.29 tpd).

Comment 7: A failure of correlation of emissions inventory including monitored emissions, and potential emissions § 110 (a) (2) (F), § 172 (c) (3) and (4), § 187 (a) (1) and (5), and § 187 (c) (1).

Emission estimates from large stationary sources are reflected in the plan and are based on the most recent information provided from the Air Pollution Control Division. Emission inventory summary tables in Chapters 3 and 6 contain information on large stationary sources and utility sources which the comment indicates have been omitted. Additional detailed information is located in Appendix A, Sections 2 and 7.

The commentor may be confused on the issue of potential to emit and actual emissions. The emission inventory is an actual emissions estimate and can be substantially lower than the potential to emit. The emission inventory is based on 1990, but new or modified sources have been reflected in the current 1996 base year inventory. The Plan's stationary source emission inventory is based on actual emissions and not potential to emit. The commentor does not provide a source/reference for the emission estimates for large stationary sources such as TIMET, Kerr McGee and Chemical Lime. The date referenced appears to be 1997, and not 1996. The NSR review program requires that any increase in CO emissions must be offset at a ratio of 2 to 1.

A statement is made that no Title V, Part 70 sources of CO are reported. These sources having CO emission above 100 tons per day are included in Tables 3-1 and 6-1. Those sources with levels below this threshold are accounted for in the area source category.

Concern is expressed regarding the statement of "10% perfection" of the 1997 emissions inventory. This statement should be taken to mean a 10% improvement to the existing emission database and not as a level of accuracy. This is the first step in updating emissions data and once complete, serve as a means to provide this information to interested persons. We believe that the emission inventory developed for this plan is credible, current, comprehensive and accurate. We would also point out that ENVIRON's S.B. 432 report (page 2-115) concluded that "stationary and area sources...do not materially affect compliance with NAAQS."

Comment 8: May 16, 200, Draft Microscale Hot Spot Modeling with CAL3QHC for Las Vegas CO SIP by Clark County Department of Comprehensive Planning.

The Plan does demonstrate adequacy per 40 CFR 51.112. The plan demonstrates that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements. Also, the adequacy of a control strategy has been demonstrated by means of applicable air quality models, data bases, and other requirements specified in appendix W of 40 CFR 51. (b) The demonstration includes a summary of the computations, assumptions, and judgments

used to determine the degree of reduction of emissions that will result from the implementation of the control strategy, data on emission levels expected to result from implementation of each measure of the control strategy and a presentation of the air quality levels expected to result from implementation of the overall control strategy presented in both tabular form and as an isopleth map showing expected maximum pollutant concentrations. Furthermore, a description of the dispersion models used to project air quality and to evaluate control strategies has also been included in Appendix C.

The use of the CAL3QHC is justified by the fact that it is recommended by the EPA, is specified in appendix W of 40 CFR 51, and is the only model available to assess the CO impacts from roadway intersections. The methodology for using CAL3QHC is provided on page 1 of the document titled *Draft Microscale Hot Spot Modeling with CAL3QHC for Las Vegas CO SIP* which is located in Appendix C, Section 5. For additional information on this model, we recommend Guideline for Modeling Carbon Monoxide from Roadway Intersections by George J. Schewe, et al., prepared for the U.S. EPA, Research Triangle Park, NC, October 1990 along with the CAL3QHC user's guide referenced in the comment. Use of a 1 m/s minimum wind speed to reflect calm conditions is an accepted practice in hot spot modeling.

It is a correct statement that the emission budget was established using a number of EPA approved models and guidance documents. The lawful authority for using these particular models comes from the 40 CFR 51. Output from one model typically serves as input to another model. Also, the same data (i.e. temperature data, wind speed) is used interchangeably amongst the models. Consistency amongst data sets is maintained by each year. The County has not used modeling and input data errors resulting from the use of inappropriate models, different years or climates.

Actual data (traffic counts) do show a decline in traffic at the Five Points intersection. Although population will increase, growth will occur on the periphery of the valley. As such, the emissions will occur there. The growth in emissions on the fringe of the urban area will not have an impact on the CO concentrations in the central part of the valley which is the problematic area, nor will the increase cause violations of the NAAS in the peripheral areas in any year covered by the plan. Thus, additional VMT associated with growth can occur.

Comment 9: A failure of implementation of applicable stationary source requirements for non-attainment areas pursuant to § 110 (a) (2) (I).

A number of sections in the Clark County Air Pollution Control Regulations address the subject of controls related to NSR and NSPS. BACT and LAER controls along with offset requirements are called for implementation depending on the specific situation. The Air Pollution Control Division recently standardized their BACT analysis and has adopted EPA's standards manual and related format. Concerns raised about EPA's 1996 audit of Clark County's Air Quality Program are being addressed through the Grant Workplan, overseen and administered directly by the EPA.

Comment 10: A failure of believable air quality modeling and data § 10 (a) (2) (K).

A considerable amount of time and resources have gone into the technical and modeling analysis which this plan is based on. We believe that Urban Airshed Modeling (UAM) analysis is technically sound and accurate including the resulting emission budgets. The previous mobile source emission budget of 298 ton per day was derived using proportional rollback modeling and is best described as rudimentary in comparison to the UAM. Rollback modeling is limited in terms of spatially allocating emissions and account for the effects meteorological conditions. Modeling recently conducted indicates that future emission increases anticipated to occur on the periphery of the Valley, can be accommodated without increasing concentrations in the central portion of the Valley. It is important to point out that there is not a linear correlation between emissions rates and concentrations. An increase in emissions does not necessarily mean that concentration will also increase at the same rate.

An extensive meteorological, monitoring and data collection effort was conducted to gain additional information on conditions which contribute to the build up of carbon monoxide. This information was then incorporated into model inputs for the UAM. This comprehensive modeling analysis indicates that future emission increases, predominately occurring on the outskirts of the Valley, can continue without impacting the ability of attaining and maintaining national air quality standards. Appendix C contains detailed information on the meteorological data collection effort, technical analyses and modeling conducted to develop this plan. As for the allegation of the CCHD's intent to shut off monitors, there is no credible evidence to that effect nor did the commentor provide any.

We agree that § 182 of the Clean Air Act Amendments address ozone and not carbon monoxide. However, TCM/TDM measures are included in the plan as they are required by § 187 (b) (2) for the purposes of reducing carbon monoxide emissions.

Three bulleted comments (protests) are made on pages 27 and 28 citing acts of omissions related to 40 CFR 93.118. The citations provide as part of the protest do not correspond to the current version of the regulation. Furthermore, this regulation pertains to criteria and procedures applicable to the motor vehicle emission budget. More specifically, this regulation applies to conformity determination on transportation plans and not state implementation plans. The comments (protests) made under this section are not applicable.

Executive Order 13045 and 12898 Comments:

These are requested actions by the EPA and are not comments related to any component of the SIP. Therefore, no response is given.

Relief Comments: (pages 58-61)

Comments are either a restatement of previous comments or concern the commentor requests for action not related to the plan.

MS. MARGARET C. PIERCE
SIERRA CLUB
SOUTHERN NEVADA GROUP
LAS VEGAS, NV

Comment 1: The comment period is too short for this technical study.

Response: This draft CO SIP is a revision to the September 1999 Carbon Monoxide State Implementation Plan that has undergone a separate comment period. The only substantive changes have occurred to control measures, contingency measures and future year modeling. A number of opportunities exist, such as Clark County's Air Quality Planning Committee meetings, for interested persons to be involved in the SIP revision process that was initiated in November 1999. Staff has also extended an invitation to meet with concerned citizens and groups to discuss all aspects of the draft SIP and also conducted a workshop on July 11, 2000.

Comment 2: The projections for vehicle miles traveled do not take the phenomenon of induced travel into account.

Response: We are aware of phenomenon of induced travel. Transportation professionals are continuing to study this area in attempts to further address this issue in the future. It is our position that the VMT projections, which the Plan is based on, do account for some induced VMT. The Plan also sets limits on VMT growth to ensure that attainment will be achieved and maintained. This is a requirement of Section 187 of the Clean Air Act Amendments.

Comment 3: The Study of Air Quality Programs in Clark County, Nevada prepared as part of Senate Bill 432 notes the existence of carbon monoxide hotspot north of US 95 and east of Eastern.

Response: Clark County and the Health District are aware of this potential hot spot area. During last winter, a special purpose monitor was located at Freedom Park to further investigate this matter. No violations of the CO standard were recorded at this site last winter.

Comment 4: McCarran Airport is not adequately monitored.

Response: It is the responsibility of the EPA to conduct periodic audits of Clark County's monitoring network. The last such audit occurred in the spring of 1996. This resulted in the addition of a new monitor at the Northeast corner of Tropicana Avenue and Las Vegas Blvd. A summary of the EPA findings, including the relocation and siting of additional monitors within the Las Vegas Valley was published in the Federal Register on June 26, 1996 (62 FR 34419). The potential exists that a special purpose monitor could be located at the airport. We will relay this concern to the Health District and the Airport Administration and explore the possibility of locating a site at that location. We

will also enter into discussions with the EPA and the CCHD on the benefits of a valley wide CO saturation study designed to better define if additional monitors are warranted.

Comment 5: Reference to Table 8-3, concern of emission increase of 188 tons per day between 2000 and 2020 and the ability to attain and maintain attainment.

Response: Modeling conducted indicates that future emission increases occurring on the periphery of the Valley, can be accommodated without increasing concentrations in the central portion of the Valley, and will not be of such magnitude as to cause violations in the peripheral areas. It is important to point out that there is not a linear correlation between emissions rates and concentrations. An increase in emissions does not necessarily mean that concentration will also increase at the same rate. Additionally, the emission increase occurring on the fringe of the Valley will not have any significant impact on the Sunrise Acres monitoring site. Finally, the control measures contained in the plan are sufficient to offset the emissions resulting from the very significant increase in VMT that the area will experience in the next 20 years.



McCarran International Airport
Clark County Department of Aviation
Las Vegas, Nevada

To: CLETE KUS
Company: COMPREHENSIVE PLANNING
Fax #: 385-8940
Subject: CO SIP DRAFT
Date: June 23, 2000
Pages: 16, including this cover sheet.

COMMENTS:

Clete,

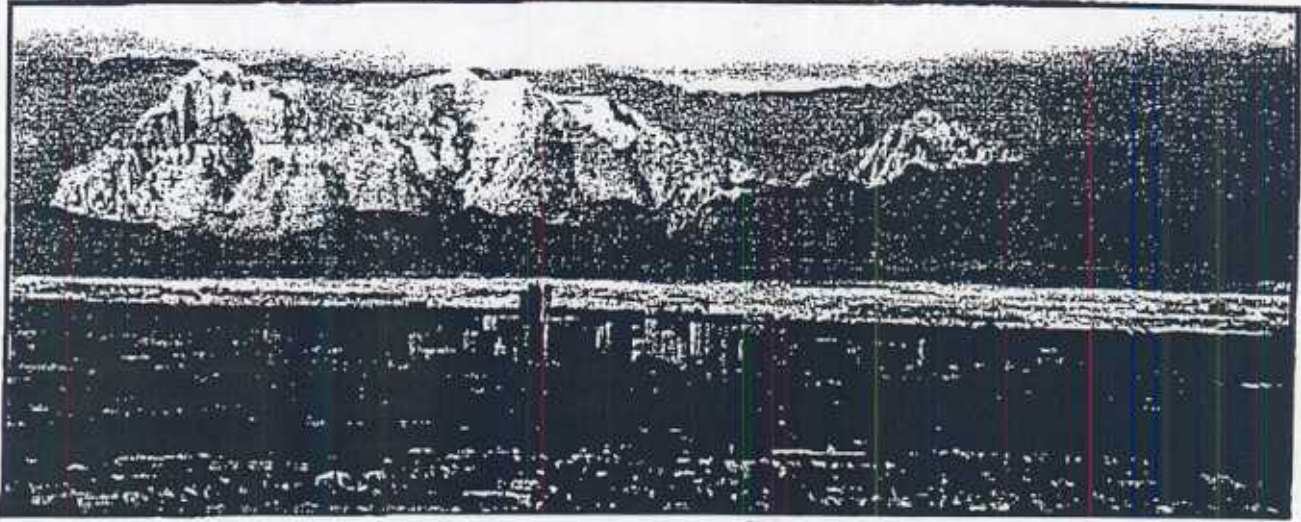
Here's some comments and suggestions for the CO SIP Draft

Dennis

From the desk of...
Dennis Mewshaw
Airport Planning Manager
Planning Division

phone - (702) 261-5072
fax - (702) 798-6591

M. J. Shaw 6-23-00



-Draft-
Carbon Monoxide
State Implementation Plan
Las Vegas Valley Nonattainment Area
Clark County, Nevada
June 2000



Clark County Board of Commissioners

1.1 INTRODUCTION

The 1990 Clean Air Act Amendments (CAAA) redefined the national air pollution abatement framework and established ambitious policies to carry out air quality planning and control activities. The requirements mandated by the CAAA affect the Las Vegas Valley in many ways. Two National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide. The 1-hour standard has a maximum allowable concentration of 35 parts per million (ppm). The 8-hour standard is a maximum average of 9 ppm over an 8-hour period. Areas that violate one or both of the ambient standards more than two times in a two-year period are classified as non-attainment areas for carbon monoxide.

Previously, portions of the Valley violated the NAAQS for carbon monoxide (CO) during the winter months. The number and severity of the CO violations caused the U.S. Environmental Protection Agency (EPA) to designate the Valley as a Moderate nonattainment area on November 15, 1990. Moderate nonattainment areas were required to implement emission control measures as "expeditiously as practicable" in order to attain the CO NAAQS by December 31, 1995. The Clean Air Act requires that moderate nonattainment areas implement the following controls:

1. An oxygenated gasoline program during the winter months that require gasoline to contain no less than 2.7% oxygen by weight;
2. An enhanced vehicle inspection and maintenance program meeting the Clean Air Act's criteria;
3. Forecasts of vehicle miles traveled (VMT) in the region, procedures for annual updates and reports attesting to the accuracy of the forecasts, and estimates of actual VMT based on traffic counts on area roadways;
4. Contingency measures that must be implemented if actual VMT exceeds forecasted VMT or if the area fails to attain the standard by the applicable date; and
5. Transportation control measures necessary to demonstrate attainment of the standard (section 187(b)(2)).

Clark County implemented the above listed controls and made great strides towards attaining the NAAQS for carbon monoxide but, due to the phenomenal growth the valley experienced during this decade, it fell short of meeting the NAAQS by the applicable date of December 31, 1995.

Improved carbon monoxide levels, attributed to the implementation of the aforementioned control measures, resulted in Clark County being granted a one-year extension to demonstrate compliance with the NAAQS. However, the Las

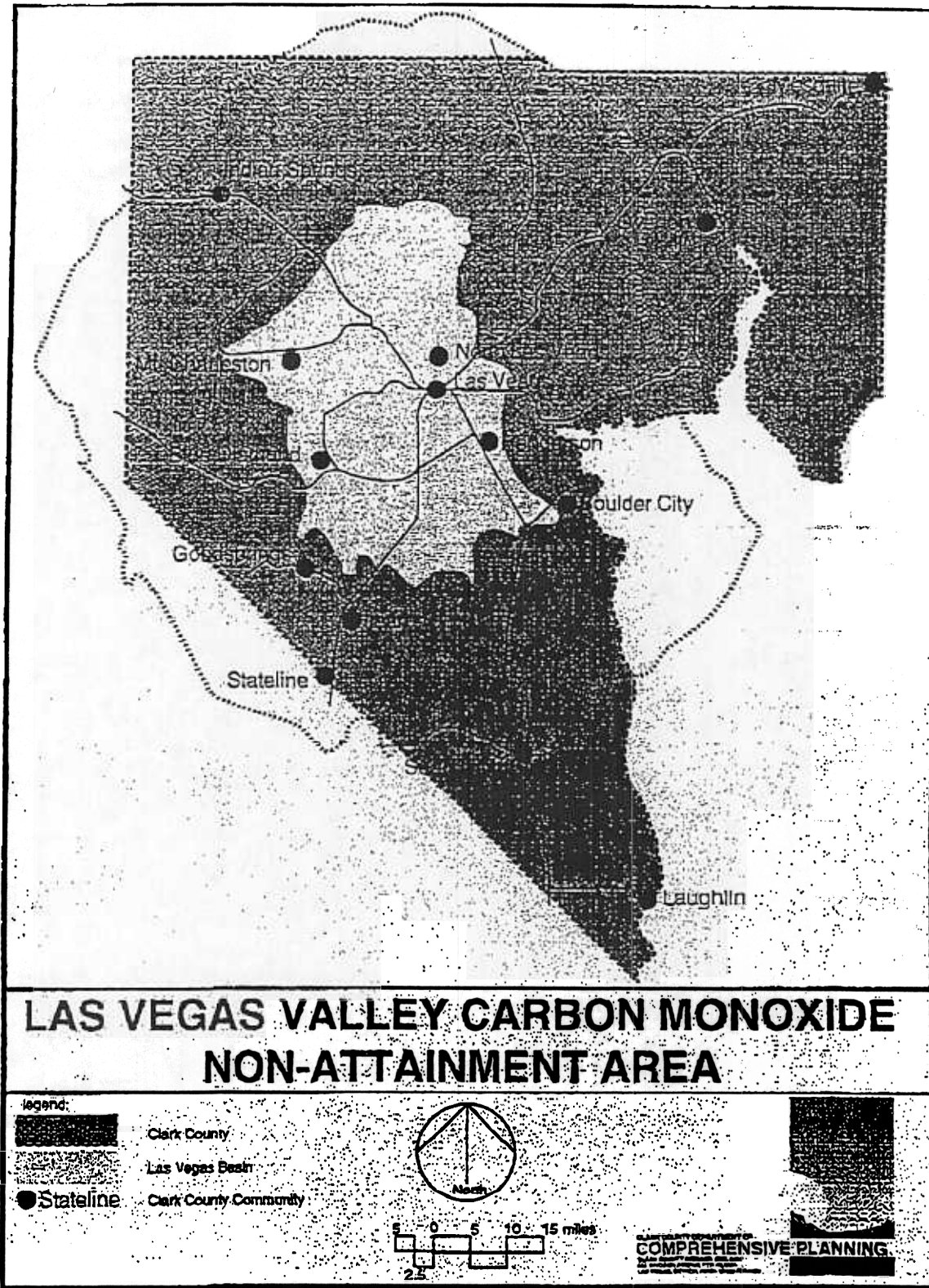


FIGURE 1-1

The dotted line around the non-attainment area (Basin 212) represents a 25-mile zone.

for what purpose?

-3

TABLE 2-1

LAS VEGAS VALLEY CARBON MONOXIDE MONITORING SITE DESCRIPTIONS

SITE NAME	ADDRESS	TYPE*	ELEVATION
Boulder City	1005 Industrial & US95	APCD	2391'
City Center	559 N. 7th Street	NAMS	2020'
Craig Road	4701 Mitchell Street	SLAMS	1919'
Crestwood	1300 Pauline Way	NAMS	1958'
East Flamingo	210 E. Flamingo	SLAMS	2017'
East Sahara	4001 E. Sahara Ave.	SLAMS	1692'
Health District	625 Shadow Lane	SLAMS	1935'
Green Valley	248 Arroyo Grande	APCD	2010'
S.East Valley	545 Lake Mead Dr.	SLAMS	
Winterwood	5483 Club House Dr.	SLAMS	
Paul Meyer	4525 New Forest Dr.	APCD	
Pittman	1137 Boulder Highway	APCD	1699'
S.L.V. Blvd	3799 South L.V. Blvd.	NAMS	
Sunrise Acres	2501 S. Sunrise Ave.	NAMS	
J.D. Smith	1301B East Tonopah	SLAMS	

* Notes: ~~APD~~ = Air Quality Division Special Purpose (monitoring) Location
 Source: Clark County Health District (July, 1998)

APCD

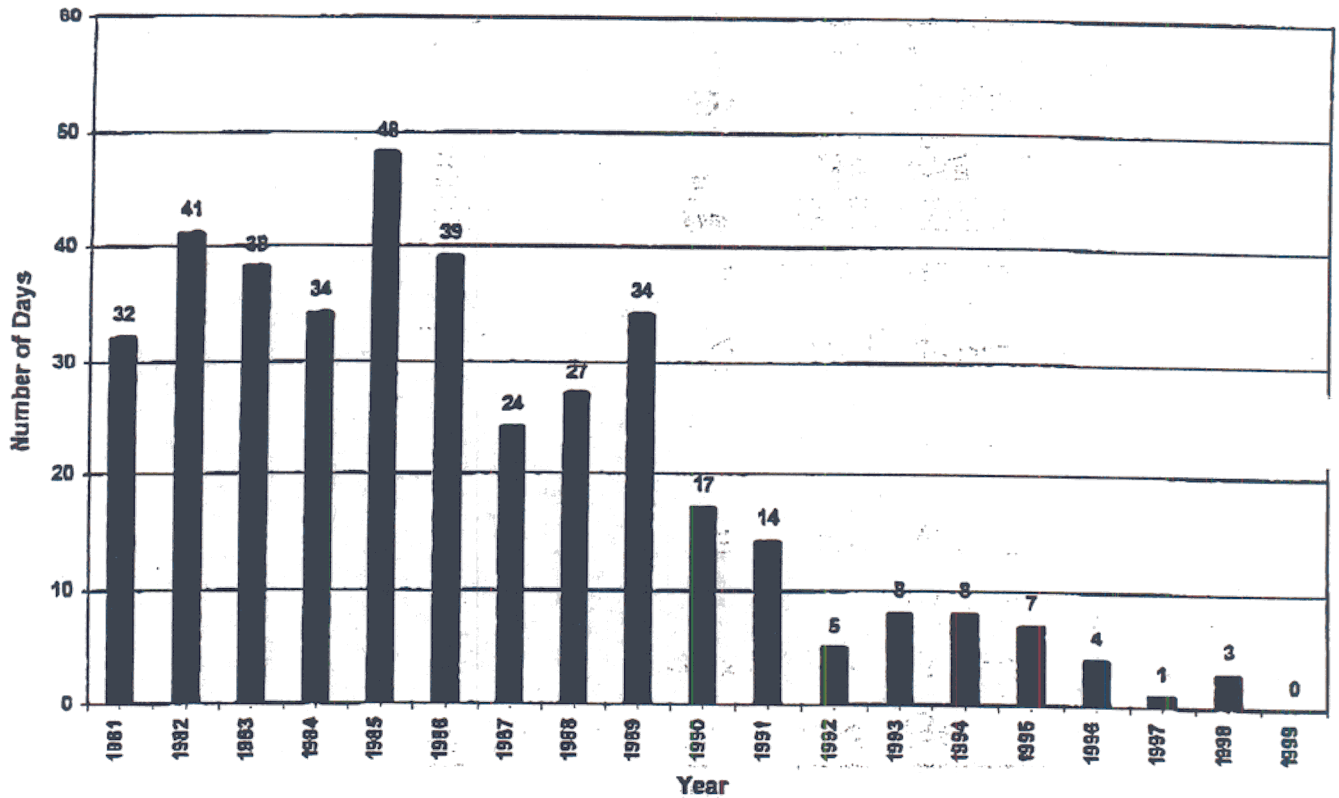
4

DIFFERS FROM LANGUAGE ON PREVIOUS PAGE WHICH INDICATES PSI of 100 IS = TO NAAQS

In the case of the Las Vegas Valley's air monitoring system, operated by the AQD, a PSI of 113 (9.5 PPM for an 8-hour average) or above would translate into an exceedence of the NAAQS.

FIGURE 2-2

LAS VEGAS VALLEY
CARBON MONOXIDE AIR QUALITY TRENDS - UNHEALTHY DAYS

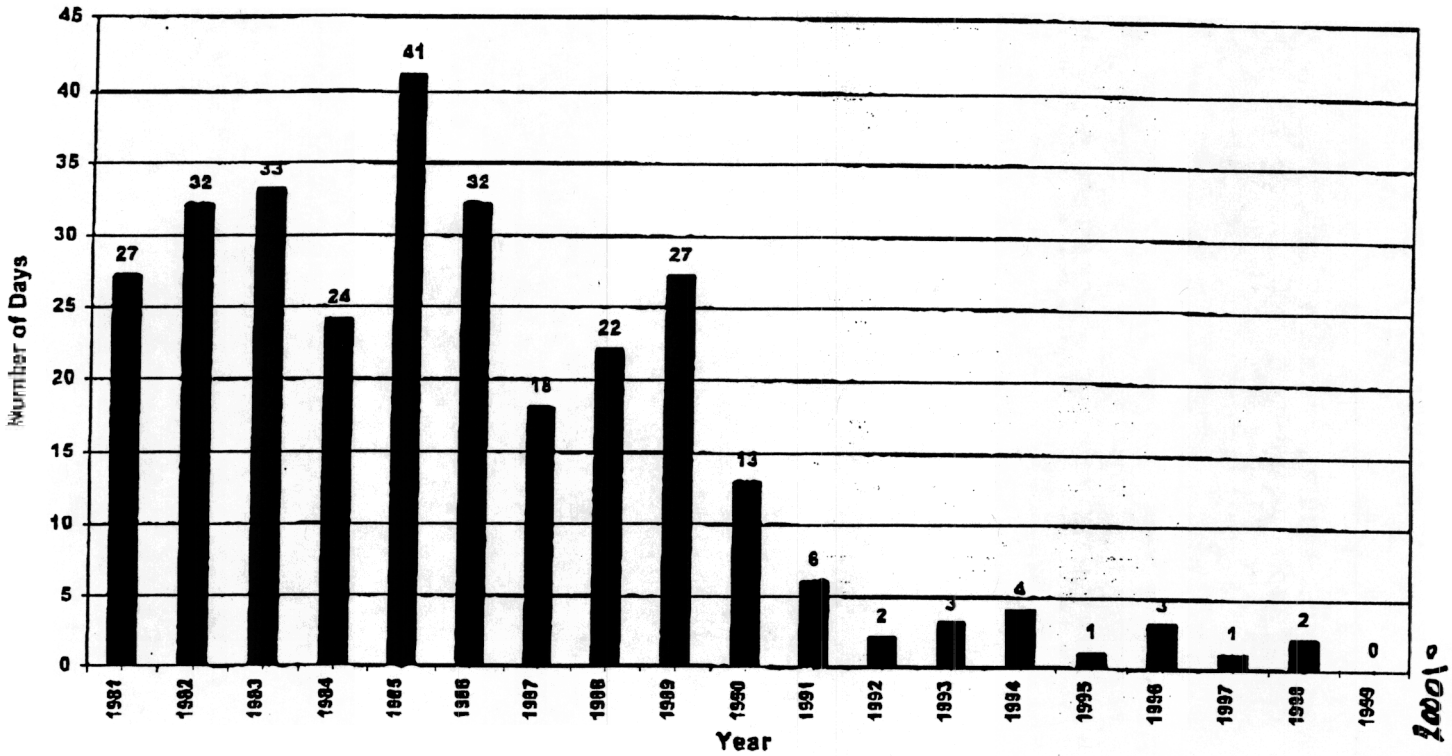


I KNOW WHAT YOU'RE SAYING BUT MAY CONFUSE PUBLIC.

HOW ABOUT A TABLE THAT SHOWS MAX. CO PPM RECORDED IN EACH YEAR. YOU MENTIONED 1996'S RECORDED 10.2 PPM BUT WE DON'T KNOW HOW THAT COMPARES W/ EARLIER YEARS & LATER YEARS

FIGURE 2-3

LAS VEGAS VALLEY
CARBON MONOXIDE AIR QUALITY TRENDS - EXCEEDENCE DAYS



ADD 2000

MORE SHOULD
BE MADE OF
THIS GRAPH!
ADD POPULATION &/OR VMT
TO EMPHASIZE HOW WE
HAVE ACHIEVED ↓ CO WHILE
POP/VMT GROWS RAPIDLY

-6

TABLE 3-2

1996 CARBON MONOXIDE EMISSION SUMMARY
-Average Daily CO Season Emission-

SOURCE CATEGORIES	Emissions (Tons/Day)	Emission (Percent)
STATIONARY POINT SOURCES		
Titanium Metals	2.92	0.62
Kerr McGee-BMI	0.24	0.05
Chemical Lime Co. Apex	0.82	0.17
Bonanza Materials	0.28	0.06
James Hardie Gypsum	0.55	0.12
Southern Nevada Paving	0.55	0.12
Pabco Cogeneration/NCA 2	0.55	0.12
Georgia Pacific@Apex/NCA 1	0.62	0.14
Point Source Total	6.53	1.39
AREA SOURCES		
Small Stationary	2.7	0.57
Boiler Emissions	0.38	0.08
Fireplaces	2.12	0.45
Structural Fires	0.64	0.14
Vehicular Fires	0.05	0.01
Brush Fires	1.26	0.27
Residential Natural Gas	0.31	0.07
Commercial Natural Gas	0.09	0.02
Industrial Natural Gas	0.32	0.07
Electrical Utility Generation	0.56	0.12
Cigarette Smoking	0.04	0.01
Area Source Total	8.47	1.8
NON-ROAD MOBILE SOURCES		
County Airports	36.4	7.75
Nellis Air Force Base	2.86	0.6
Locomotive Emissions	0.23	0.05
Lawn & Garden Equipment	0.43	0.09
Construction Equipment	9.77	2.08
Non-Road Total	49.69	10.57
ON-ROAD MOBILE SOURCE	405	86.23
GRAND TOTAL	489.69	100

*discussed
in Section 4*

4

aromatics; or a maximum sulfur limit of 80 ppm by weight and 30 percent for aromatics with averages not exceeding 30 ppm and 22 percent respectively.

Adoption of the aforementioned limits will lower CO emissions from gasoline powered motor vehicles in the Las Vegas Valley by approximately 31.9 tons per day, or by 9.8% above and beyond the benefits provided by existing control measures (RVP, 3.5% oxygenated fuel, etc.). The current State and local regulations for Reid Vapor Pressure of 9 psi and oxygen content of 3.5% by weight will not change. It is estimated that consumers would pay between 2 and 5 cents more per gallon for this improvement for a total annual cost to the public of about 15 million dollars. The cost effectiveness for this much needed CO emission reduction will average about \$1,225 per ton of CO reduced. CBG can satisfy all eight acceptance criteria constituting applicable State and Federal requirements for the adoption of a fuel control measure. These criteria include the following: practicality, reasonableness, reliability, its necessity for attainment, effectiveness, safety, cost effectiveness, and availability of technology. Table 4-2 summarizes how the acceptance criteria are met for CBG as a CO emission control measure.

The AQD is also responsible for monitoring and enforcing the Cleaner Burning Gasoline program. Nearly all gasoline delivered to the Valley is refined in Southern California. Compliance inspections on CBG primarily targets the refiners and shippers. The Health District has contracted with the California Air Resources Board (CARB) to sample and track the wintertime clean burning gasoline shipments at the refinery levels. CARB has had this monitoring and tracking program in place for many years to insure compliance with their own state fuel requirements. Additionally, the Nevada Department of Agriculture's Bureau of Weights and Measures conducts random sampling at gasoline stations and informs the Health District when testing indicates non-compliance with the regulations. Annual reports summarizing the winter season gasoline programs will be provided to the EPA at the conclusion of the applicable time period. Section 54 of the Air Pollution Control Regulations provides additional detailed information on testing, record keeping and enforcement of the Cleaner Burning Gasoline program. A copy of this regulation can be found in Appendix D, Section 1, along with a report on the 1999 -2000 Wintertime Cleaner Burning Gasoline Program.

8

focus of reducing carbon monoxide emissions. Section 108(f) of the CAAA also requires that plans evaluate and implement such measures as necessary to demonstrate attainment of the CO standard, in combination with other measures.

The CAAA sections referenced above allow the Las Vegas Valley and other serious CO nonattainment areas to be exempt from the stated requirements if certain conditions are met. These sections contain language that is interpreted to mean that the SIP needs only to contain those TCMs that are necessary to demonstrate attainment. This section of the document contains the rationale for the selected TCMs, benefits and criteria for their selection.

In developing this plan, a Carbon Monoxide Transportation Control Measure Analysis was conducted by Lima and Associates. A copy of this document is contained in Appendix B, Section 1. The intent of this study was to identify those transportation control measures that showed the greatest potential in reducing carbon monoxide emissions in the Valley. Based on this study's findings, the following measures are being implemented as voluntary control measures: employer based commuter incentive programs, telecommuting and area wide ridesharing programs.

According to EPA's policy on Voluntary Mobile Source Emission Reduction Programs (VMEPs), reflected in a memorandum dated October 24, 1997, from Richard D. Wilson, "Voluntary mobile source measures have the potential to contribute, in a cost-effective manner, emission reductions needed for progress toward attainment and maintenance of the NAAQS." Furthermore this guidance states, "EPA believes that SIP credit is appropriate for voluntary mobile source measures where we have confidence that the measures can achieve emission reductions." Under this policy, credit for VMEPs are limited to 3% of the total projected future year emissions reductions required to attain the NAAQS.

The VMEP control measures, consisting of employer based commuter incentive programs, telecommuting and an area wide ridesharing program, are being recommended for implementation by this plan. The Transportation Demand Management Division of the Clark County's Regional Transportation Commission will be responsible for implementing, managing and monitoring this program. Through adoption of the TIP (FY 1998-2000), the implementation of TDM strategy is prioritized. Funding in the amount of \$911,000 for these programs have been derived from Congestion Mitigation Air Quality (CMAQ) funds. On June 10, 1999, the Regional Transportation Commission of Clark County adopted Resolution No. 177 which established guidelines for administering the CAT MATCH commuter services program including the commuter incentive program, Club Ride. A copy of this resolution can be found in Appendix D, Section 2. Portions of the CAT MATCH program, which include employer based commuter incentives and area wide ridesharing programs, became operational in July, 1999. The voluntary TCM/TDM programs considered for implementation are estimated to achieve approximately 0.3 tons per day of emission reductions

4.2.1.3 Technician Training and Certification

The State's Motor Vehicle Inspection/Maintenance (I/M) Program requires that inspectors be licensed. The training and certification procedures were established to comply with 40 CFR 51.367. The requirements for a certified inspector in Nevada's I/M program are verified training, including a course approved by the Department of Motor Vehicles and Public Safety (DMV & PS), a written and practical testing program and a separate certification process. In general terms inspector training will cover: purpose and goals of enhanced I/M, emission control devices, configuration and inspection, test procedures and rationale. The I/M program also consists of training and licensing of class 2 inspectors that conforms to the requirements set forth in 40 CFR 51.369. Under this requirement, a license is required to be a certified repair technician in order to perform work or service on vehicle emission components. Additional information about these requirements are delineated in NAC 445B.485 through 445B.5084 as well as the State of Nevada's *State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City, Nevada* (March 1986).

The DMV & PS is the agency responsible for implementing and monitoring the State's Motor Vehicle I/M Program including the Inspector Training and Certification programs. As specified in NRS 445B.765 and 445B.810, it is also the responsibility of DMV to prepare annual reports on the program and to submit them to the U.S. EPA in July of each year to comply with the provisions of 40 CFR 51.366. Additional information on the Inspection Maintenance Program can be found in the Inspection Maintenance State Implementation Plan referenced above.

The carbon monoxide emission reduction benefit from this control measure was derived from the Mobile5b model. This was accomplished by setting the I/M control flag record equal to 6 (IMFLAG = 6) and including a value of 2 in the third position of the corresponding input record. Setting these parameters in this fashion, the model applies the benefits of technician training and certification to the emission factors. A second model run was made keeping the inputs identical with the exception of not including the benefits of technician training. The resulting values from these two runs were then compared to determine the resulting benefit. The result of this analysis indicates that technician training and certification will provide 2.95 % of carbon monoxide emission reductions. Table 4-4 provides additional information on the acceptance criteria for technician training and certification as a control measure.

SENTENCE STRUCTURE

IF IMPLEMENTED IN 1988 WOULDN'T THE BENEFITS BE REFLECTED IN '96 BASE YEAR EMISSIONS? HOW CAN WE ASSUME ADDED CO EMISSION REDUCTIONS, UNLESS PROGRAM IS BEING CHANGED OR STRENGTHENED?

-10

alternative fuels program. NRS 486A requires all governmental fleets in Clark County to acquire and utilize clean alternative fuels vehicles. Starting in 1995, 10 percent of government fleets new vehicle purchases were required to be alternative fuels vehicles. This percentage increases to 90 percent in fiscal year 2001 and each year thereafter. Nearly all fleets have chosen to acquire natural gas vehicles and presently there are over 1,400 alternative fuel vehicles operating in the Valley. As vehicles are replaced through attrition, this number will further increase along with the use of the cleaner fuel. Through the cooperative efforts of governmental agencies, eight natural gas fueling facilities have been strategically located in the Las Vegas area. Additional information pertaining to this control measure can be found in Appendix E, Section 4.

It is estimated that the alternative fuel program in Clark County, Nevada will benefit CO emission reduction in the year 2000 by about 0.12%, or 0.4 tons per day at an estimated cost of about \$4,000 per ton. Table 4-5 enumerates the acceptance criteria for alternative fuels and presents arguments for the alternative fuel program as a primary control measure.

In order to realize the maximum benefits of the alternative fuel control measure, entities will need to gain the support of private fleets through the Clean Cities initiative and possibly changes to the Energy Policy Act (EPACT) by providing more refueling facilities and unlimited public access to existing facilities. The most benefits of this control measure can be realized when dedicated vehicles are utilized because they are designed to operate efficiently on alternative fuels resulting in less CO pollution even though they may lack the advantages of longer range and the option of regular fuel that the dual-fuel fleet would afford.

THIS SHOULD, IT SEEMS, ONLY ASSUME CREDIT FOR VEHICLES ADDED TO FLEET POST- '96. THOSE OPERATING IN '96 WOULD HAVE BEEN REFLECTED IN THE '96 BASE YEAR INVENTORY.

11

As discussed in an October 27 memorandum to EPA (Appendix C), the selected episode was December 8-9, 1996. This selection along with the employment of a scaling factor that resulted in a maximum predicted concentration of 11.2 PPM were discussed with and approved by EPA Region IX. Figure 5-1 displays the UAM carbon monoxide concentrations for the selected episode of December 8-9, 1996.

Table 5-1

List of Highest 10 CO Episodes Based on Peak 1- and 8-hour Average CO Concentrations. Values Reported are for East Charleston (EC) and Sunrise Acres (SA). Peak 8-hour Period is Given for SA.

ALIGNMENT

Episode	PM peak hourly	AM peak hourly 8-hour		Peak 8-hour		Peak 8-hour Period	
		SA	EC	SA	EC		
1996 Dec 2-3	7.1	6.9	6.3	8.4	5.6	5.8	1900-0200
Dec 3-4	8.7	9.0	7.6	9.4	6.2	6.9	1800-0100
Dec 4-5	10.5	9.5	3.5	2.5	6.7	6.7	1800-0100
Dec 8-9	8.2	8.8	10.4	11.8	7.2	7.9	2000-0300
Dec 18-19	8.8	8.5	8.2	9.1	7.2	7.4	1900-0200
Dec 19-20	8.3	8.3	10.4	10.8	7.9	8.0	0100-0800
Dec 25-26	6.5	7.1	8.1	9.2	5.8	6.2	0200-0900
1997 Jan 9-10	9.8	11.1	9.2	7.8	6.7	7.0	1800-0100
Jan 18-19	7.5	8.2	5.9	5.9	5.8	6.6	2000-0300
Jan 19-20	6.9	7.3	7.9	8.9	6.3	6.7	0100-0800

-12

Table 6-1

**1996 & 2000 BASE YEARS CARBON MONOXIDE MODELING
EMISSIONS FOR THE LAS VEGAS NON-ATTAINMENT AREA**

<u>SOURCE CATEGORIES</u>	<u>1996 Base Emissions (Tons/Day)</u>	<u>2000 Uncontrolled Emissions (Tons/Day)</u>	<u>2000 Controlled Emissions (Tons/Day)</u>
<u>STATIONARY POINT SOURCES</u>			
Titanium Metals	2.92	2.92	2.92
Kerr McGee-BMI	0.24	0.24	0.24
Chemical Lime Co. Apex	0.82	0.82	0.82
Bonanza Materials	0.28	0.28	0.28
James Hardie Gypsum	0.55	0.55	0.55
Southern Nevada Paving	0.55	0.55	0.55
Pabco Cogeneration	0.55	0.55	0.55
Georgia Pacific	0.62	0.62	0.62
Total Point Sources	6.53	6.53	6.53
<u>AREA SOURCES</u>			
Small Stationary	2.7	3.08	3.08
Boiler Emissions	0.38	0.43	0.43
Fireplaces	2.12	2.59	2.59
Structural Fires	0.84	0.78	0.78
Vehicular Fires	0.05	0.05	0.05
Brush Fires	1.28	1.54	1.54
Residential NG Combustion	0.31	0.34	0.34
Commercial NG Combustion	0.09	0.10	0.10
Industrial NG Combustion	0.32	0.36	0.36
Electrical Utility NG	0.58	0.63	0.63
Cigarette Smoking	0.04	0.05	0.05
Total Area Sources	8.47	9.96	9.96
<u>NON-ROAD MOBILE SOURCES</u>			
County Airports	36.4	40.4	40.4
Nellis AFB	2.86	2.86	2.86
Locomotive Emissions	0.23	0.23	0.23
Lawn and Garden Equipment	0.43	0.42	0.42
Construction Equipment	9.77	7.61	7.61
Total Non-Road Sources	49.69	51.52	51.62
<u>ON-ROAD MOBILE SOURCES</u>	405.4	353.23	310.18
<u>GRAND TOTAL</u>	470.09	421.24	378.19

PAGE
BREAK

6.3 UAM ATTAINMENT DEMONSTRATION

-13

reduction to the UAM background concentration at the EDMS receptor would reduce the 8.90 ppm value to 7.50 ppm (8.90 ppm X .84 = 7.50 ppm). Even assuming that this control measure has no effect on McCarran sources, the 9.07 ppm peak in Table 6-5 reduces to 7.67 as a result of the CBG control measure (7.50 ppm + 0.17 ppm = 7.67 ppm). Therefore, this analysis shows attainment in 2000 and maintenance in 2010 and 2020 with the adoption of the primary CO control measures.

Table 6-5

MAXIMUM 8-HOUR CARBON MONOXIDE CONCENTRATIONS (PPM)
FROM COUNTY OPERATED AIRPORTS FOR FOUR MODELING YEARS
(BASE CASE ESTIMATES ASSUME NO ADDITIONAL CONTROLS ON MOTOR VEHICLES)

<u>Airport</u>	<u>Scenario</u>	<u>Receptor</u>	<u>EDMS CO Airports</u>	<u>UAM CO Uncontrolled</u>	<u>Total CO Uncontrolled</u>
McCarran Airport	1996 Base	277	0.00	9.64	9.64
	2000 Base	277	0.01	8.66	8.67
	2010 Base	277	0.01	8.06	8.07
	2020 Base	1599	0.17	8.90	9.07
North Las Vegas Airport	1996 Base	801	0.00	8.89	8.89
	2000 Base	801	0.00	7.54	7.54
	2010 Base	801	0.00	7.03	7.03
	2020 Base	801	0.01	8.27	8.28
Henderson Airport	1996 Base	92	0.14	0.43	0.57
	2000 Base	92	0.19	0.39	0.58
	2010 Base	204	0.04	0.51	0.55
	2020 Base	181	0.09	1.08	1.17

The results of this airport micro-scale analysis serve to insure that projected increased emissions from this source category can be accommodated within the Valley's Carbon Monoxide airshed without jeopardizing attainment or maintenance of the CO NAAQS.

7
ENSURE

-14

TABLE 8-2

VMT ESTIMATES FOR MONITORING AND MAINTENANCE

Road Segment	2000	2001	2002	2003	2004	2005
External Connector	765,734	800,857	835,981	871,105	906,229	941,353
Freeway System Ramps	100,916	104,915	108,914	112,913	116,912	120,912
Minor Arterial	7,941,628	8,313,494	8,685,360	9,057,227	9,429,093	9,800,959
Major Arterial	3,809,224	3,923,028	4,036,831	4,150,635	4,264,438	4,378,242
Ramp	296,162	311,904	327,546	343,388	359,130	374,872
Interstate	4,079,915	4,249,168	4,418,422	4,587,675	4,756,929	4,926,182
Freeway	1,679,985	1,849,208	2,018,432	2,187,655	2,356,878	2,526,102
Expressway	293,698	299,422	305,147	310,871	316,595	322,319
Collector	3,389,942	3,693,134	3,996,327	4,299,519	4,602,711	4,905,904
Local	2,394,976	2,498,849	2,602,721	2,706,594	2,810,466	2,914,339
Intra-zonal Trips	110,408	114,910	119,414	123,918	128,422	132,927
Public Transit	66,900	79,880	92,860	105,840	118,820	131,800
Daily Average Total	24,929,486	26,238,770	27,548,054	28,857,339	30,166,623	31,475,908

8.4 MOBILE SOURCES EMISSIONS BUDGET

Under the conformity provisions of the Clean Air Act, Section 176(c)(2)(A) requires regional transportation plans and programs to show that "emissions expected from implementation of plans and programs are consistent with estimates from motor vehicles and necessary emission reductions contained in the applicable implementation plan." On November 24, 1993 EPA issued regulations defining how the provisions of 176(c) will work, including defining mobile vehicle emission budgets in applicable SIPs. EPA conformity rule defines motor vehicle emissions budgets as:

"... the explicit or implicit identification of the motor vehicle-related portions of the projected emission inventory used to demonstrate reasonable further progress milestones, attainment, or maintenance for a particular year specified in the SIP."

The motor vehicle emissions budget therefore establishes a cap on motor vehicle-related emissions which cannot be exceeded by predicted transportation system emissions in the future. The emissions budget applies as a ceiling on emissions in the year for which it is defined and for all subsequent years until another year for which a different budget is defined or until a SIP revision modifies the budget.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert W. Hall
10720 Button Willow Drive
Las Vegas, Nevada 89134
702-360-3118
FAX: 702-360-3119
rwhkc@earthlink.net

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DISTRICT OF COLUMBIA;
REGION IX, SAN FRANCISCO, CALIFORNIA;
AND
CLARK COUNTY HEALTH DISTRICT
LAS VEGAS, NEVADA

ROBERT W. HALL,

Petitioner,)	COMMENT AND ADMINISTRATIVE
)	PROTEST RE: DRAFT CARBON
v.)	MONOXIDE AIR QUALITY
)	IMPLEMENTATION PLAN, LAS VEGAS
CAROLE M. BROWNER, in her)	VALLEY NONATTAINMENT AREA,
official capacity as)	CLARK COUNTY NEVADA, JUNE
Administrator, UNITED STATES)	2000; EXHIBITS A & B;
ENVIRONMENTAL PROTECTION AGENCY;)	CERTIFICATE OF SERVICE
FELICIA MARCUS, in her official)	
capacity as Regional)	
Administrator, REGION IX, UNITED)	
STATES ENVIRONMENTAL PROTECTION)	
AGENCY; DONALD S. KWALICK, M.D.,)	
in his official capacity as)	
Chief Health Officer, Clark)	
County Health District; and)	
Bruce L. Woodbury, in his)	
Official capacity as Chair,)	
Clark County Commission,)	
)	

Respondents.

COMMENT AND ADMINISTRATIVE PROTEST RE: DRAFT CARBON MONOXIDE AIR
QUALITY IMPLEMENTATION PLAN, LAS VEGAS VALLEY NONATTAINMENT
AREA, CLARK COUNTY NEVADA, JUNE 2000

RECEIVED
 2000 JUL 2 P 3 18
 CLARK COUNTY
 COMPREHENSIVE
 PLANNING

1 INTRODUCTION

2
3 Petitioner Robert W. Hall as an individual and in his
4 capacity as president of the Nevada Environmental Coalition,
5 Inc., hereby submits the following comment and administrative
6 protest, hereinafter "Protest". This Protest is submitted in
7 opposition to the adoption of the Draft Carbon Monoxide Air
8 Quality Implementation Plan, hereinafter "Plan", for the Las
9 Vegas Valley non-attainment Area, Clark County Nevada. The Plan
10 is dated June 2000 with a public notice date of June 21, 2000.

11 Petitioner has submitted the instant Protest without
12 prejudice to any of the Petitioner's rights. Petitioner does not
13 waive any right.

14 OBJECTIONS

15 1. Thirty days prior public notice of the entire text of the
16 SIP regulations that are proposed is a minimum, not a maximum
17 time for the public to review the Plan. Petitioner protests the
18 short time available for public comment. The matters are
19 complex. The County and the EPA have both held back important
20 information from the public. In other instances, the information
21 presented is so vague and ambiguous as to be unintelligible. The
22 processes involved are not so complex that they could not be
23 explained in plain English, step by step in the public notice
24 documents. The County has failed and/or refused to publish
25 clear, unambiguous text. The County has had months to work on
26 the many issues involved, while the public has had only ~thirty

1 days to review the actual text of the SIP submittal.
2 Petitioner's investigation shall continue. For the reasons given
3 herein, Petitioner waives no right to continue his investigation
4 of Clark County's rulemaking process and to revise this document
5 if and when necessary. Petitioner requests notice of any and all
6 changes to the Plan document served upon him. Petitioner
7 requests that should the County choose to make changes in the
8 publicly noticed text prior to the date and time the Clark County
9 Commission considers the Plan for adoption, the Plan must be re-
10 noticed for public notice and hearing according to state and
11 federal law. See NRS 233B.0607. The public is entitled to have
12 at least thirty days to examine the entire text of the documents
13 served. The public's time to participate in the process does not
14 toll if and when the County notices a moving target where
15 substantive, unreasonable changes to the text of the Plan are
16 made on the fly.

17
18 2. Petitioner has requested an opportunity for "notice and
19 an opportunity to attend all meetings involving any federal,
20 state or local agency operating in Clark County Nevada where the
21 public and/or environmental organizations such as the NEC, are
22 entitled by law to notice and the right to attend." See Exhibit
23 "A" attached hereto, telefacsimile message to Larry Biland from
24 Robert W. Hall dated November 4, 1999. The November 4
25 communication is but one of many such requests Petitioner and the
26
27
28

1 NEC have made to the EPA. The EPA never responded to that
2 request or any similar prior request.

3 The EPA is regularly meeting with Nevada local and state
4 agencies without prior notice of any kind to the public, and that
5 includes the Petitioner. As a result, the EPA has knowingly and
6 willfully denied access to meeting where the Petitioner and the
7 NEC had and have a lawful right to attend. Most of the content
8 of these meetings is informational and simply brings those
9 attending up to date with EPA policies and programs. The EPA has
10 failed or refused to make any attempt to separate the
11 "deliberative process" from the informational process.

12 At all times, the EPA has denied access to Petitioner and
13 the NEC and for that reason, the EPA has shown an extraordinary
14 bias that is not in the public interest. If at any time
15 Petitioner or the NEC are in error or have a misconception
16 concerning any EPA policy or program, the fault lies squarely
17 with the EPA and the EPA must assume the responsibility for its
18 own refusal bring sunshine to its proceedings without bias.
19

20 Petitioner demands that the EPA make a full disclosure to
21 the Petitioner with a list of all meetings including telephone
22 conferences, and with a list of all documents and correspondence
23 produced regarding any air pollution issue or activity involving
24 the EPA and Nevada local and state agencies. Petitioner objects
25 to and protests the issue of the EPA holding secret meetings and
26
27
28

1 withholding information from the public and that includes the
2 environmentally focused organizations and individuals of Nevada.

3 We demand that any review of the instant CO SIP submission
4 be put on hold until and unless all of the damage resulting from
5 the fact of the secret meetings Region IX has held with Clark
6 County and State of Nevada agencies is repaired in accordance
7 with all applicable laws. This issue provides evidence that the
8 EPA has had a strong bias and conflict of interest in favor of
9 Clark County, a well-know scofflaw government, and its agencies.
10 For that reason and the reasons provided herein, the EPA has a
11 substantial conflict of interest against the public interest in
12 this particular proceeding. We charge that EPA Region IX is a
13 federal agency that has become so politicized that it not longer
14 operates according to law with regard to regulatory bias, secret
15 meetings that exclude everyone who does not agree with Region
16 IX's politicized policies, and undeclared conflicts of interest.

17
18 3. On May 19, 2000 we sent a telefacsimile message to Nia
19 Spiegelman, Chief of the ORC Branch, Region IX, requesting "that
20 your offices of all State of Nevada Notices of Violation (NOV's)
21 filed by your section in the last twelve months and in the
22 future, involving any issue or against any source of air or water
23 pollution in Clark County, Hydrographic Basin 212, the Las Vegas
24 Valley." See Exhibit "B" attached hereto. We have not received
25 any response to that message request. This is additional
26 evidence that EPA Region IX ignores requests from those whose
27
28

1 views it disagrees with. We request compliance in full with the
2 May 19 request. We needed the information in order to prepare
3 this document. We request that all EPA action on the instant
4 Plan be suspended until sixty-days after service to the
5 Petitioner, of the information requested on May 19. This
6 suspension of review is requested in order to provide time to
7 revise and file a revision to the instant document in opposition.
8 Once again, the EPA is causing its own problems.

9 4. Clark County Health District (CCHD) has moved monitoring
10 sites in order to reach CO attainment, cover stories
11 notwithstanding. Both Clark County and the EPA have failed or
12 refused to make a full disclosure of this key issue to the
13 public. The withholding of a full disclosure of the information
14 involving this key issue suggests that Clark County and the
15 have conspired against the language, spirit and intent of local,
16 state and federal sunshine and open meeting laws. The result
17 desired by Clark County is to reach a paper-only attainment for
18 CO National Ambient Air Quality Standards (NAAQS).
19

20 5. Data is manipulated by the cross use of inappropriate
21 modeling and the inappropriate mixing and matching of data. The
22 information presented to the public concerning the methods used
23 and the decisions made regarding the use of specific air
24 pollution models and data is vague and ambiguous. The most
25 important information that was not provided to the public is a
26 full explanation of the alternatives available to those who
27
28

1 developed the emissions budgets and the likely outcome of each of
2 the alternatives along with the reasoning behind the final
3 choices.

4 6. The source of area source information in Table 3-2, p. 3-
5 3 of the Plan is vague and ambiguous. To the extent that the
6 data comes from EPA "standard" tables or sources, there is no
7 evidence that data from the EPA source has any relation to
8 conditions in the Las Vegas Valley non-attainment area.

9 Important sources of concern include but are not limited to so-
10 called small stationary sources, residential/commercial natural
11 gas, and electric utility generation.

12 7. The Plan focuses on a narrow set of data involving one of
13 the quietly relocated monitoring sites. After testing,
14 processing and massaging the data available, Clark County has
15 come to the conclusion that CO concentrations will be reduced
16 despite runaway, unrestricted, extraordinary valley growth. The
17 Plan fails to present real, credible, replicable data to support
18 that conclusion.

19 8. The emissions database (Id. Table 3-2, p. 3-3) is not
20 reasonably complete, it is not reasonably accurate, it is not
21 current and the inaccuracies and omissions are substantive. This
22 is not an objection about accuracy beyond reason. This is an
23 objection over the fact that data readily available to the County
24 was not included in the database. One example is the Stationary
25 Point Source List. The list includes only nine stationary
26
27
28

1 sources when it is common knowledge that at least twenty-eight
2 Title 5, Part 70 sources are not mentioned in the Plan. Some of
3 these sources are not substantial sources of CO, and some are.
4 Our comments include numerous instances and examples of
5 substantive errors or emissions in the database, most of which
6 cause the conclusions of the Plan to fail.

7 9. Petitioner objects to the use of any 1990 inventory as
8 the basis for any other data base or inventory. A 1990 inventory
9 does not include the construction or planned construction of
10 modifications or new sources of CO air pollution.

11 10. Petitioner objects to the failure of the Plan to
12 consider the findings and the recommendations of the Nevada
13 Legislature's S.B. 432 subcommittee ENVIRON report which
14 Petitioner has adopted herein by reference, *infra*. That report
15 questions the judgment, competence, integrity and credibility of
16 Clark County Health District's Air Quality District
17 (AQD) formerly Air Pollution Control District or APCD). It is
18 well known that the County is moving swiftly to make some of the
19 changes recommended in the ENVIRON report which will eliminate
20 the Air Quality District as we know it today. Changes of
21 leadership personnel were also recommended. For the reasons
22 given in the ENVIRON report and herein, data included in the Plan
23 that came from AQD is tainted and suspect. The data may not
24 lawfully support any of the Plan's major findings and emissions
25 budget recommendations.
26
27
28

1 11. Petitioner objects to the fact that the County and the
2 EPA are attempting to approve a CO SIP without credible emissions
3 budgets and without first acquiring valley federal agency
4 conformity determinations.¹ Without valley federal agency
5 conformity determinations, Clark County has no data and no way to
6 know the extent of the valley's federal agency activities that
7 directly or indirectly cause air pollution. See the CAAA §§
8 176(c), 40 CFR § 51.850, et seq. and 40 CFR § 93.150, et seq. and
9 69 FR 18911-18918, April 10, 2000, Transportation Conformity
10 Amendment: Deletion of Grace Period, Final Rule at 18912-18913.
11 Both the County and the EPA have failed in their oversight and
12 agency coordination responsibilities.

13
14 12. Petitioner objects to the failure of the EPA to
15 implement the only remedy lawfully available to the EPA, a
16 Federal Implementation Plan (FIP). Nevada's own legislative
17 report makes it clear that anything coming from AQD is suspect.
18 The Plan relies upon AQD's monitoring and made-up numbers. For
19 the reasons given herein, the instant Plan cannot be lawfully
20 approved.

21 CONFORMITY:

22 40 CFR 93.105 and § 93.105(e). The Plan lacks evidence that
23 it was developed through consultation with the federal agencies
24 operating in the Las Vegas Valley. These agencies include but
25

26 ¹ Conformity determinations means the total of ongoing, non-exempt, non-de
27 minimis, activities that cause air pollution initially, and as amended from
28 time to time on a project by project basis.

1 are not limited to the Department of Interior's Bureau of Land
2 Management (BLM), the Department of Transportation's Federal
3 Highway Administration (FHWA) and the Federal Aviation
4 Administration (FAA).

5 Federal agencies are required by law to do conformity
6 determinations effective on the date(s) Hydrographic Basin 212
7 (the Las Vegas Valley) was subject to a finding of serious
8 nonattainment. In this instance, that would be the date the area
9 was found in serious nonattainment for carbon monoxide (CO).²
10 There is no evidence of federal agency by federal agency
11 conformity determinations in the draft SIP submittal. There is
12 no evidence that federal agencies have ever determined their
13 total carbon monoxide emissions from their valley, nonattainment
14 area activities

15 There is a valid, 1979 SIP for Nevada. The SIP does not
16 conform to the 1990 Clean Air Act Amendments (CAAA). There are
17 no emissions budgets. Federal agencies were required to total
18 all of their valley activity air pollution from ongoing projects
19 from the date the valley was designated as a CO nonattainment
20 area. Thereafter, they are required to amend the conformity
21 determination as projects with more than de minimis CO air
22 pollution are added. See the CAAA §§ 176(c), 40 CFR § 51.850, et
23 seq. and 40 CFR § 93.150, et seq. and 69 FR 18911-18918, April
24 10, 2000, Transportation Conformity Amendment: Deletion of Grace
25
26
27
28

1 Period, Final Rule at 18912-18913. See also Sierra Club v. EPA,
2 et al., 129 F.3d 137 (D.C. Cir. 1997).

3 The purpose of conformity determinations is to determine the
4 total emissions data available to the local and state agencies
5 responsible for SIP, emissions budget, and conformity compliance.
6 Conformity determinations are a key link to any SIP process.

7 That information is missing from the Plan. Clark County has long

8
9 to control. The reason was that the last thing Clark County
10 wanted to see was air pollution emissions totals. Not adding up
11 air pollution emissions totals has served land speculators and
12 the construction industry well for thirty years. It is by this

13
14 Clark
15 County is now caught in a web of its own making. That large
16 conformity, emissions data gap renders the Plan insufficient for
17 any lawful purpose.

18 Petitioner knows of several "little-piece" valley federal
19 agency environmental assessments where carbon monoxide data was
20 reported on an EA by EA, project by project basis but were never
21 totaled and were never made a part of a lawfully sufficient
22 conformity determination. Even this lower level, insufficient
23 reporting was not included in the Plan. One instance involving
24 Nellis AFB is listed herein below. Had the information from the
25

26
27 ² Hydrographic Area 212 was designated as moderate non-attainment for carbon
28 monoxide (CO) on November 15, 1990.

1 Nellis AFB environmental assessment been included in the Plan,
2 the CO emissions data listed in the Plan would have been more
3 accurate and complete.

4 The facts of this issue provide evidence that Clark County
5 has not been consulting and coordinating with federal agencies
6 operating in the Las Vegas Valley. There is no evidence in the
7 Plan that Clark County received, and anyone actually read the
8 federal agency data in any coordination process. There is a lack
9 of evidence in the Plan of data from the FHWA, BLM, FAA or any
10 other valley federal agency. The reason for conformity
11 determinations (which are years past due) is to provide local
12 agencies with exactly the information they are now missing and
13 they now need for the instant draft SIP proposal. Clark County
14 has ignored the Clean Air Act for so long it does not know how to
15 comply.

17 Petitioner has discussed this issue and many other issues
18 with key government executives who are responsible for conformity
19 determinations in the valley. From those discussions and from
20 information Petitioner has accumulated as part of an action in
21 the U.S. District Court and a parallel Department of Interior
22 IBLA administrative proceeding involving the BLM, Petitioner has
23 reason to believe that no federal agency operating in the Las
24 Vegas Valley has ever completed any CAAA required, lawful
25 conformity determination.
26
27
28

1 For that reason, Clark County's failure to consult and
2 coordinate with federal agencies operating in the valley is a
3 serious omission that is now surfacing as a failure to accumulate
4 and report credible data. The County made a serious error in
5 failing or refusing to coordinate and regulate federal agency air
6 pollution emissions. The County's failure to comply with CAAA
7 requirements regarding coordination and its failure to deal with
8 valley federal agencies on a more conservative basis is a serious
9 error that is cause to reject the instant CO SIP submission out
10 of hand.

11 GENERAL:

12 Petitioner has attended some public information meetings.
13 He has consulted and coordinated with the key executives and
14 staff persons whenever necessary in order to clarify and receive
15 issues raised in the draft CO SIP. Petitioner has read the
16 documents provided to the public and has asked for clarification,
17 more information and answers to questions whenever necessary. At
18 all times, all of the Clark County personnel contacted were
19 pleasant, returned calls when necessary, were prompt with the
20 information they had and were generally quite cordial in
21 discussing the issues despite knowing that the petitioner has not
22 been a champion of Clark County's environmental policies. The
23 petitioner has always believed that most key Clark County
24 officials are well educated, extremely competent, knowledgeable
25 and hard working. Petitioner's issue is and always has been not
26
27

1 so much with the professional staff as that of the leadership and
2 the political climate surrounding their work. Even where the
3 differences herein are pointed and specific, petitioner believes
4 that had the leadership and political climate been different, the
5 other differences may have disappeared entirely.

6 To be very specific, Clark County's runaway, unrestricted
7 growth policies cannot be reconciled with the National Ambient
8 Air Quality Standards (NAAQS). They are irreconcilable. Clark
9 County has burned its environmental candle at both ends for the
10 thirty years since the Clean Air Act was first promulgated. They
11 are about to pay a heavy price for their transgressions.

12 DOCUMENTATION:

13 The following documents are made a part hereof and are
14 adopted herein for all purposes. One of the purposes of adoptin
15 documents by reference is to substantiate the allegations herein.

- 17 1. Southern Nevada Home Builders Association; American West
18 Homes, Incorporated; Falcon Development Corporation;
19 Lewis Homes of Nevada, and Longford Homes of Nevada,
Inc., v. Clark County Health District, Case No. A321782
dated July 30, 1993.
- 20 2. Vosburg Equipment and Quality Sand & Gravel v. Clark
21 County Health District, Case No. A403414 dated May 18,
1998.
- 22 3. NEC Report on Clark County's District Board of Health -
23 Revision V, dated December 9, 1998. See www.necnev.org.
- 24 4. Clark County Applicable State Implementation Plan Action
Log updated July 19, 1996.
- 25 5. USEPA Enforcement Alert, Office of Enforcement and
26 Compliance Assurance (2201A), Volume 2, Number 1, Office

1 of Regulatory Enforcement, EPA-300-N-99-002 dated
2 January, 1999.³

- 3 6. Comments and Objections Re: Proposed Issuance of a Part
4 70 Operating Permit to Pacific Coast Building Products,
5 Inc. (PABCO), January 24, 1999, Revised, Exhibits "A" &
6 "B"; Certificate of Service, all dated February 22,
7 1999.
- 8 7. Post-Hearing Addendum to Comments and Objections Re:
9 Proposed Issuance of a Part 70 Operating Permit to
10 Pacific Coast Building Products, Inc. (PABCO), January
11 24, 1999, Certificate of Service, February 22, 1999,
12 dated April 23, 1999.
- 13 8. 167 F.3d 641, Environmental Defense Fund v.
14 Environmental Protection Agency, dated March 2, 1999.
- 15 9. Comments and Protest Re: Proposed Issuance of an
16 Authority to Construct to Disposal Urban Maintenance
17 Processing Co. (DUMPCO), March 7, 1999; Exhibits "A" &
18 "B"; Certificate of Service, all dated April 6, 1999.
- 19 10. Administrative Protest Re: Proposed Nevada SIP Amendment
20 Adding New Sections 0 and 12 and Repealing Section 15 of
21 the Air Pollution Control District Regulations;
22 Certificate of Service, all dated April 13, 1999.
- 23 11. Hall v. EPA, No. 99-70853, Judicial Review re: Rules 0,
24 12 and 58. Ninth Circuit Court of Appeals.
- 25 12. Comment Addendum Re: Comments and Protest Re: Proposed
26 Issuance of an Authority to Construct to Disposal Urban
27 Maintenance Processing Co. (DUMPCO), March 7, 1999;
28 Exhibits "A" & "B"; Certificate of Service, all dated
April 6, 1999, dated April 26, 1999.
13. Comments and Administrative Protest Re: Proposed
Issuance of an Authority to Construct of an Authority to
Construct/Operating Permit to Nevada Ready Mix (NRM)
Dated April 4, 1999; Exhibits "A" - "K"; and Certificate
of Service, all dated April 27, 1999.
14. Post-Hearing Addendum to Comments and Administrative
Protest Re: Proposed Issuance of an Authority to
Construct/Operating Permit to Nevada Ready Mix (NRM)
Dated April 4, 1999, and Certificate of Service.

³ Items 1-3 were attached to the document listed as number 4 as Exhibits "A"-
"C".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 15. Revised (05-05-99) Clean Air Act 42 U.S.C. §7604(b), 40 C.F.R. §54.3 (1994) sixty-day certified mail notice of suit & notice of service all dated May 5, 1999.
- 16. Comments and Administrative Protest Re: Proposed Issuance of an Authority to Construct of an Authority to Construct/Operating Permit to Chemical Lime Company (CLC) Dated April 18, 1999; Exhibits "A" - "F"; and Certificate of Service, all dated May 17, 1999.
- 17. Petition Objecting to the Issuance of a Part 70 Operating Permit A00011 PABCO Gypsum, a Division of Pacific Coast Building Products, Inc., May 13, 1999; Exhibits "A" & "B"; Certificate of Service all dated June 5, 1999.
- 18. Amended Request for an Appeal and a Declaratory Order Re: Issuance of an Authority to Construct/Operating Permit to Capital Cabinets Corporation, June 23, 1999; Exhibits A, B, & C; and Certificate of Service all dated August 16, 1999.
- 19. EPA 40 CFR Part 52 Final Rule Making a Finding of Failure to Submit a Required State Implementation Plan for Carbon Monoxide; Nevada--Las Vegas Valley dated August 31, 1999.
- 20. 69 FR 18911-18918, April 10, 2000. Transportation Conformity Amendment: Deletion of Grace Period, Final Rule.
- 21. Hall v. Babbitt, CV-S-98-01645-DWH, October 29, 1999. Judicial Review re: Resource Management Plan (RMP). See www.necnev.org.
- 22. ENVIRON Draft Final Report, "Study of Air Quality Programs in Clark County Nevada, dated June 23, 2000. See www.necnev.org.

The above-named documents were previously served upon those named therein. Clark County officials and EPA officials both received service. The documents are also available upon request. Several of the documents listed above are available on the NEC Web site as noted.

1 The statements made herein are also supported by the Draft
2 Carbon Monoxide (CO) State Implementation Plan (SIP) dated June
3 2000, the documents referenced therein, the documents served upon
4 the NEC by Clark County Comprehensive Planning as supporting
5 documents to the draft SIP submittal, and the documents
6 referenced herein by the Petitioner.

7 STATUTORY AND HISTORICAL INTRODUCTION:

8 The Clean Air Act and Amendments (CAAA), 42 U.S.C. 7401-
9 7671q, CAAA § 101 et seq., implemented health based standards for
10 limiting the concentration of air pollutants in the ambient air.
11 Carbon Monoxide (CO) is one of those air pollutants. A standard
12 was adopted for CO. The standard for CO pursuant to the National
13 Ambient Air Quality Standards (NAAQS), is an average of 9 parts
14 per million (ppm) based upon any continuous 8 hour period of
15 time.
16

17 Ambient air monitoring instruments measure the concentration
18 of a particular pollutant in the ambient air and are subject to
19 mathematical calculations prior to reporting. If a monitor
20 measures, and the reporting agency actually reports a
21 concentration of a particular pollutant in excess of the standard
22 correlated to various statistics, the Governor of a state can
23 petition EPA to have the area classified as a nonattainment area
24 pursuant to §107(d)⁴ of the CAAA.
25

26
27 ⁴ All subsequent statute citations are to CAAA citations unless otherwise
28 noted.

1 Depending upon the severity of the concentration exceedances
2 in a nonattainment area, EPA further classifies the area as a
3 moderate or serious nonattainment area. State or local
4 governments are allowed a period of time in order to attain
5 compliance with the NAAQS [§186 (a) Table 1 (or Table 1. See
6 footnote. A moderate nonattainment classification is
7 characterized as a nonattainment area in which the ambient CO
8 concentration had reached a Design Value of between 9.1 and 16.4
9 ppm. By regulation, such an area was further provided with an
10 attainment date of December 31, 1995 by the Environmental
11 Protection Agency ("EPA").

12 The EPA has been under pressure from the NEC to implement a
13 Federal Implementation Plan (FIP) as required by the CAAA. The
14 EPA has resisted that statutory requirement for political
15 administrative reasons. The EPA has been under heavy political
16 pressure in general to approve the CO SIP submittal. The result
17 is that the EPA has stated to the FHWA that it is prepared to
18 "complete the adequacy finding within approximately 90 days of
19 EPA's receipt of the SIP emissions budget...."⁵ Apparently
20 quality and credibility are not major considerations, just speed.

21 Historically, Clark County was successful in convincing EPA
22 Region IX to grant an unlawful one-year extension to reach
23 attainment, to December 31, 1996. Rather than actually comply
24 with the existing control requirements, Clark County continued to
25
26
27
28

1 rely on the EPA for extensions of time in order to delay any
2 serious effort to actually reduce CO pollution or submit a CO SIP
3 that could lawfully be approved.

4 Pursuant to §186 (a) 4) (A) the Administrator may extend by
5 one year the attainment date "if the State has complied with all
6 requirements and commitments pertaining to the area in the
7 applicable implementation plan ..." Clark County and its APCD has
8 never complied with all requirements and commitments.

9 During 1999, a high level delegation from the EPA met with
10 Clark County Health District officials and members of the Las
11 Vegas environmental community. During those meetings, EPA heard
12 credible testimony from those who had first-hand knowledge of the
13 facts and allegations the NEC is repeating herein. Officials of
14 the CCHD's Air Pollution Control District (APCD) either admitted
15 the allegations or remained silent when they were made.

16 The allegations herein are not new to Clark County or the
17 EPA. They have never been refuted with any credible evidence.
18 The NEC has offered witnesses and documents to back up its
19 allegations. The Nevada Legislature's S.B. 432 subcommittee's
20 contractor ENVIRON begged off when it came to witnesses and
21 evidence on the basis of too little time, no money and no
22 authority to report on more than the broad issues. Every local,
23 state and federal official that has had anything to do with the
24 Clark County Health District's air pollution program knows the
25
26

27 ⁵ June 18, 1999 letter to FHWA Division Administrators from Kenneth R. Wykle,
28

1 allegations are true and for that reason, wants to stay as far
2 from the mess as possible.

3 APCD has not implemented or enforced in good faith, its
4 approved State Implementation Plan (SIP) for New Source Review as
5 required by §173 of the CAAA. Stationary Source compliance with
6 the emissions control requirement of Lowest Achievable Emission
7 Rate (LAER) as required by §173(a)(2) and the approved Clark
8 County NSR SIP are routinely evaded by air pollution sources with
9 the full knowledge and assistance of the APCD.

10 The requirement for federally enforceable offsetting
11 emissions reductions found in §173(a)(1)(A), is routinely evaded
12 by a misrepresented and unlawful road paving scam that adds to
13 the CO problem in the nonattainment area. On information and
14 belief, the APCD has never required stationary sources to compl
15 with LAER or federally enforceable offsetting emissions
16 reductions. Evidence lies in the Notices of Violation the EPA
17 has filed in Clark County over the last four years.

18 Without §186(a)(4)(A) compliance, the EPA Administrator had
19 no lawful authority to grant a one-year extension of time to
20 Clark County. Most of the statutory requirements have never been
21 met.
22

23 One of the NOV examples that support the allegations is the
24 "Finding and Notice of Violation", Docket No. R9-97-08 issued by
25 EPA to TIMET. TIMET is a major stationary source of CO pollution
26

27 Administrator, FHWA, (3) Future submitted SIP emissions budgets
28

1 in the Las Vegas Valley. TIMET has operated in violation of
2 federal statutes with the full support of the CCHD and knowledge
3 of the EPA. CCHD has had no intention of enforcing federal
4 standards against TIMET or any other serious air pollution
5 source. CCHD has permitted TIMET to operate contrary to its own,
6 EPA approved, SIP rules since at least 1982.

7 At one point, TIMET's control equipment was out of service
8 for several weeks as a result of a fire. TIMET was allowed to
9 continue operations with no controls despite the fact that there
10 are no provisions in the regulations for special permission to
11 operate without controls. When the director of APCD was asked in
12 front of senior EPA officials about his authority to permit TIMET
13 to operate without controls, AQD's director stated that he was
14 "just helping out."
15

16 Other examples of regulatory non-compliance exist for which
17 neither EPA or the CCHD has taken enforcement action. Kerr-McGee
18 has received numerous extensions of time, in permits issued by
19 the CCHD. The extensions of time allow the source to evade the
20 requirement of LAER and offsets for CO. Another example is
21 Nevada Power's Clark Station where modifications were implemented
22 without enforcement.

23 It is well known and documented that CCHD has not taken
24 enforcement action against favored sources unless EPA initiates a
25 rare Notice of Violation (NOV) action. ENVIRON, the consultant
26 hired by the State of Nevada's SB-432 subcommittee summed it up
27
28

1 when they made the following statement (p. 2-112) in their June
2 2000 Draft Final Report. "Perhaps the gravest deficiency in th
3 control of air pollutant emissions from stationary sources in
4 Clark County lies in the enforcement of regulations and permit
5 conditions applicable to these emissions from existing
6 facilities." As a result of the unwillingness of the CCHD to
7 perform the duties that it is paid by the EPA to perform, the EPA
8 finally stepped in and issued several Notices of Violation to
9 Clark County stationary air pollution sources.

10 In another statement from the ENVIRON report p. 2-113, "In
11 the majority of these cases, the Health District was either aware
12 of the violations or abetted in their commission by advising
13 facilities to ignore federal requirements." This is not an NEC
14 statement. The statement is published by the Nevada
15 Legislature's own consultants.
16

17 As a result of the flagrant violations in Clark County, and
18 despite CCHD's best efforts to manipulate monitoring data to show
19 attainment, the valley did not meet the attainment criteria for
20 CO by December 31, 1996. There was absolutely no political will
21 other than to manipulate numbers on paper, to meet the NAAQS.
22 Clark County has never paid a penalty for not complying with the
23 NAAQS. Clark County has proven there is absolutely no incentive
24 to comply with any federal law.

25 The 1996 failure resulted in the re-classification of the
26 valley as a serious CO non-attainment area pursuant to
27
28

1 §186(b)(2)(A). A new plan for attainment was then required
2 pursuant to §187.

3 The deadline for the new plan, according to the original
4 draft that is the subject of this Protest petition, was May 1999.
5 Clark County failed to meet that deadline by not submitting a
6 plan until months later. That plan was so bad even a cooperative
7 EPA could not hold its nose long enough to approve the SIP
8 submittal and the Plan was found to be inadequate.

9 Once again Clark County is relying upon the EPA for
10 extensions of time that it has good reason to believe will be
11 granted for political reasons. Public health and safety is not
12 one of Clark County's priorities. Over the thirty-years of the
13 Clean Air Act and when it comes to Nevada, public health and
14 safety have not been high EPA priorities.

15 MONITORING:

16 The NEC has observed irregularities in the monitoring
17 schemes of the APCD. According to 40 CFR §58, Appendix D: "The
18 network of stations that comprise SLAMS should be designed to
19 meet a minimum of six basic monitoring objectives. These basic
20 monitoring objectives are:
21 monitoring objectives are:

22 (1) To determine highest concentrations expected to occur in
23 the area covered by the network.

24 (2) To determine representative concentrations in areas of
25 high population density.
26
27
28

To determine the impact on ambient pollution levels of

3 4 To determine general background concentration levels.

4 5) To determine the extent of regional pollutant transport
5 among populated areas; and in support of secondary standards

6 6) To determine the welfare-related impacts in more rural
7 and remote areas such as visibility impairment and effects on
8 vegetation.

9 The Clark County NAMS/SLAMS monitoring network fails to meet
10 the six basic objectives as established by federal regulations.
11 The network does not determine the highest expected
12 concentrations of a pollutant. This designed failure is

13
14 site locations, and calibration and
15 maintenance schedules of the monitoring equipment. One way the
16 CCHD has avoided reporting real exceedances of the NAAQS has been
17 to locate the monitors upwind of expected high impact areas,
18 according to prevailing wind conditions. Another method CCHD
19 utilizes to underreport pollutant concentrations is to carefully
20 watch the monitoring data from its telemetered measurements.
21 When an exceedance appears imminent, CCHD sends a technician out
22 to the site to take the offending monitor out of service for
23 maintenance or calibration. These are knowing and willful
24 evasions of federal law.
25

26

27

28

1 When Clark County failed to attain CO NAAQS standards, the
2 failure resulted in creative solutions on the part of Clark
3 County. On information and belief, Clark County's Air Pollution
4 Control District (APCD) was trying to attain NAAQS for CO by the
5 deadline of December 31, 1995. This was before EPA granted what
6 the Petitioner believes was an unlawful one-year extension of
7 time to December 31, 1996. Near the end of 1995, APCD wanted to
8 ensure that they would not have to report any more CO
9 exceedances. Consequently, the idea of raising the probe height
10 of the monitor at the East Charleston monitoring site was deemed
11 to have merit among the executives at the Clark County Health
12 District (CCHD). The idea to raise the probe height from the
13 existing 2 meter level up to a height of 10 meters above ground
14 level was approved at the highest level of CCHD.

15 Just as the CO season was developing in late November 1995,
16 CCHD raised the height of the CO probe in an effort to measure
17 lower concentrations of CO and avoid additional exceedances. All
18 the time, CO exceedances were expected as a result of the existing
19 conditions at that time. Despite the best efforts of the CCHD
20 administration to keep the scheme secret from the public and the
21 EPA, they were caught in the act. There was no other purpose for
22 raising the probe height other than manipulating the outcome of CO
23 exceedances. CCHD wanted lower CO numbers and they demonstrated
24 that they could and would do what they had to do in order to get
25 lower numbers. Health and safety was never an issue.
26
27
28

1 EPA Region IX was informed of the incident. Despite that
2 notice, EPA Region IX rewarded CCHD and gave Clark County an
3 additional year to demonstrate compliance. Clark County still
4 failed at demonstrating attainment. They did, however, succeed in
5 manipulating the EPA.

6 The Director of APCD has since publicly stated that no more CO
7 exceedances will be reported. APCD has not reported any
8 exceedances since that announcement. This demonstrates the problem
9 of the agency charged with reaching attainment doing its own
10 monitoring.

11 POINTS OF PROTEST

12 The petitioner protests the following acts or omissions of
13 Clark County regarding the Plan and a corresponding pattern of
14 evasion of the following Clean Air Act statutes.

- 15 • A failure to provide reasonable public notice pursuant to
16 §110(a)(2).
- 17 • A failure to implement enforceable emission limitations
18 pursuant to §110(a)(2)(A) and §172(c)(1) and (5).
- 19 • A failure to perform adequate and appropriate monitoring
20 pursuant to §110(a)(2)(B) and §172(2).
- 21 • A failure of enforcement pursuant to §110(a)(2)(C).
- 22 • A failure to recruit, retain and manage adequate,
23 qualified personnel pursuant to §110(a)(2)(E).
- 24 • A failure to establish and maintain a credible emissions
25 inventory including monitored emissions, and potential
26
27
28

1 emissions pursuant to §110(a)(2)(F), §172(c)(3) and 4),
2 §187(a)(1 and (5), and §187(c)(1

- 3 • A failure to implement applicable stationary source
4 requirements for non-attainment areas pursuant to
5 §110(a)(2)(I).
6
7 • A failure to provide credible, believable air quality
8 modeling and data pursuant to §110(a)(2)(K).

9 The petitioner protests the following acts or omissions of
10 Clark County regarding the Plan and a corresponding pattern of
11 evasion of the following Code of Federal Regulations excerpts.

- 12 • 40 CFR 93.118(c)(4)(iv). The motor vehicle budget when
13 considered together with all other emission sources, is
14 not consistent with applicable requirements for
15 reasonable further progress toward attainment. For
16 the reasons given herein, the motor vehicle budget is not
17 credible. The Plan does not adequately provide for all
18 the control measures and emission reductions needed for
19 attainment. Without the required mobile source
20 reductions, the area can not reach attainment.
21
22 • 40 CFR 93.118(c)(4)(v). The Plan does not show a clear
23 relationship between the emissions budget, control
24 measures and the total emissions inventory. The problem
25 starts with an emission budget that is not credible. The
26 Plan errs when it claims that the valley can continue to
27 attract huge numbers of people and vehicles to the Las
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Vegas Valley nonattainment area and emissions will decrease.

- 40 CFR 93.118(c) 4) (vi). Revisions to previously submitted control strategy or maintenance plans do not credibly explain or document the changes.

The petitioner protests the following acts or omissions of Clark County regarding the Plan and a corresponding pattern of evasion of the following additional Code of Federal Regulations excerpts.

- 40 CFR § 51.112(a). The demonstration of adequacy in the Plan including the measures, rules and regulations contained in it are not adequate to provide for the timely attainment and maintenance of the national standard that it implements.
- 40 CFR § 51.112(a) (1) (2). There is no demonstration in the information provided to the public that the air quality models used, the data bases, and the other requirements specified in Appendix W of this part (Guideline for Air Quality Models) was met. To the extent that an air quality model was inappropriate, there is no demonstration that any case-by-case modification or substitution was made with the written approval of the Administrator. There is no demonstration that where a modification or substitution was made (if any) that the required notice and opportunity for public comment under

1 the procedures set forth in §51.102 was made. In short,
2 there is no adequate plain English disclosure in the Plan
3 for the public to determine compliance with applicable
4 demonstration of adequacy laws.⁶

- 5 • 40 CFR § 51.115(c). There is no adequate plain English
6 disclosure in the Plan for the public to determine
7 compliance with Appendix C to Part 58 of this chapter.

8 A DETAILED ANALYSIS OF THE PLAN'S DEFICIENCIES AND OMISSIONS

9 A failure to provide reasonable notice pursuant to CAAA 10 §110(a)(2)

11 Pursuant to §110(a)(2), "Each implementation plan submitted
12 by a State under this Act shall be adopted by the State after
13 reasonable notice and public hearing". §307(h) requires "...a
14 reasonable period for public participation of at least 30 days

15 " The complexity of the plan and the analyses the plan is
16 based upon requires more than a thirty day review by the public.
17 Thirty days may be adequate for some issues. The CO issues
18 involve complex monitoring and air pollution modeling matters.
19 When the NEC asked for the detailed information necessary to
20 adequately and credibly examine the more detailed aspects of the
21 plan, the requests were ignored. The time to review the plan
22 under the specific circumstances of this application is not
23 reasonable.
24

25
26 ⁶ A checklist table showing compliance with each section of the applicable
27 laws would have been helpful to those drafting the Plan and to those who
28

1 The NEC's August 1999 public comments regarding the earlier
2 CO SIP submittal were ignored by the County Commissioners and t
3 EPA. The EPA made its decision and published its Federal
4 Register notice in violation of its own regulations by failing or
5 refusing to even acknowledge the fact that the NEC had submitted
6 timely comments. The NEC shall not be surprised if the same
7 pattern holds true with the instant comments. Clark County and
8 the EPA have proven that they acknowledge only favorable
9 comments.

10 A failure to implement enforceable emission limitations pursuant
11 to CAAA §110(a)(2)(A) and §172(c)(1) and (5).

12 According to Section 4.4 of the Plan, "Other than current
13 controls required by the new source performance standards (NSPS)
14 and New Source Review (NSR) on major sources of pollution, no
15 additional controls are warranted."

16 EPA conducted an in-depth administrative review of the
17 implementation of the NSR and NSPS programs at the APCD. The EPA
18 found a poorly managed program and the EPA raised questions of
19 poor administration and bad faith. See, the 1996 "Re-evaluation
20 of the Clark County Air Quality Program".

21 The EPA wrote under finding D.8, p. 14, "The BACT
22 conclusions are often weak, especially for major sources". No
23 control has often been the APCD's version of BACT and LAER.
24 Additional proof may be found in a dozen or so Notices of
25

26
27 comment under the tight schedule of only ~thirty-days prior notice. The EPA
28 uses this type of checklist for determining the adequacy of the Plan

1 Violation (NOVs) issued by the EPA for various violations of the
2 NSPS and the SIP in Clark County. The EPA's own NOVs, reports
3 and files on Clark County support the NEC conclusion that Clark
4 County's administration of NSR or NSPS programs are not properly
5 administered by the APCD. Nothing has changed.

6 Several major sources of CO exist in the area that have not
7 received valid Authority to Construct permits for their
8 construction or modifications and are not included in the
9 emissions summary. Nevada Power is one example.

10 Nevada Power submitted an application for a Part 70
11 Operating Permit which includes information that shows a CO
12 Potential to Emit of several thousand tons per year. APCD's
13 emissions inventories do not reflect these same levels of
14 emissions. Despite that, permits issued by APCD do not reflect
15 these same levels of emissions. A source without valid permits
16 equates to no, or low, emissions in the emissions inventory.
17 More information on the poor quality of the CCHD emissions
18 inventory is presented later in this document.

19
20 When there are no authorized emissions from unpermitted
21 sources, that is evidence that the emissions inventory is not
22 accurate. Unpermitted sources in Clark County include several
23 major sources of air pollution.

24 Another example is Kerr-McGee. This source reported 166
25 tons of CO emissions on their 1997 emissions inventory report.
26 Despite that report, APCD has helped this source evade applicable
27

1 laws since at least 1993. The law was evaded by CCHD's failure
2 to implement or require control requirements and offsets until
3 least 2001. The means by which the evasion was accomplished is
4 the language of two APCD permits issued to the source during the
5 last few years. Kerr-McGee is reputed to be one of the largest
6 sources of air and water pollution in the Las Vegas Valley.
7 Kerr-McGee has a representative on the Clark County Board of
8 Health. There is no strong environmental voice on the Clark
9 County Board of Health.

10 Evading lawful requirements until 2001 doesn't fit the
11 requirements of §172(c)(1), which state in part, "Such plan
12 provisions shall provide for the implementation of all reasonably
13 available control measures as expeditiously as practicable".
14 Untimely implementation of regulatory requirements does not
15 contribute to a credible emissions inventory.
16

17 Although a §172(c)(5) permit program is in place, Clark
18 County has not had a notable compliance history. The pattern has
19 continued unabated.

20 The Environ legislative report stated on p. 2-113, "In the
21 majority of these cases, the Health District was either aware of
22 the violations or abetted in their commission by advising
23 facilities to ignore federal requirements." That is one way to
24 describe an enforcement agency that is working both sides of the
25 enforcement street. That also speaks to the issue of
26 credibility.
27

1 Those who were aware of the violations or who abetted in
2 their commission have not been the subject of an investigation or
3 a disciplinary action. No one has ever been terminated for lying
4 to the EPA or to the public. No one who is responsible for the
5 evading environmental laws has ever been terminated. No one has
6 been prosecuted. The message to these people is that they are
7 doing what their political leadership wants them to do.

8 CCHD has taken substantial actions and spent considerable
9 amounts of money attempting to save their own reputations while
10 trashing the reputations of several whistleblowers. The
11 whistleblowers simply want CCHD to do what the law requires.
12 They have assisted in an effort to reach regulatory compliance.
13 The EPA has turned its back on the whistleblowers and has
14 whitewashed CCHD's malfeasance and corruption.
15

16 If EPA approves this Plan, the EPA will simply aid and abet
17 more political corruption. The EPA will support the premise that
18 integrity in the regulatory process is not valued.

19 A failure of appropriate monitoring pursuant to §110(a)(2)(B) and
20 CAAA §172(b)(2).

21 Figure 1-3 in Section 1.7 of the Plan shows a schematic of
22 the prevailing "Wind Drainage Pattern". Figure 2-1 in Section
23 2.4 of the Plan provides a schematic view of the CO Monitoring
24 Sites. Table 3-2 in Section 3.2 of the Plan presents a 1996
25 Carbon Monoxide Emissions Summary for the Las Vegas Non-
26 Attainment Area without reference to the source of the data. The
27 same is true for Figure 3-1 in Section 3.3. Data that has no
28

1 credible attribution and that reason, these data may not be used
2 for any lawful purpose whatsoever.

3 Figures 1-3 and 2-1 provide evidence that most of the
4 monitors are placed upwind of the prevailing wind drainage paths
5 of the largest listed CO sources. One example is CCHD's failure
6 to place a monitor in close proximity and downwind of McCarran
7 Airport, an airport that is located in the heart of the valley.
8 McCarran Airport is the largest single source of CO pollution at
9 one site in the nonattainment area. The closest CO monitors to
10 McCarran geographically speaking, are both upwind of the
11 prevailing wind drainage paths of the site.

12 The Plan and its supporting documents are evidence of an
13 Environmental Justice violation against the inhabitants of the
14 economically challenged neighborhood of trailer parks and low-
15 rent apartments that surround the airport area. According to
16 Section 8-2 of the Plan, "This network will continue to be
17 operated in accordance with the federal requirements of 40 CFR
18 Part 58..." However, 40 CFR Part 58 indicates that monitors
19 should be placed in areas where one would expect to find the
20 highest ambient pollutant concentrations. According to the six
21 main objectives listed above, the methods used by APCD to monitor
22 CO do not comply with required regulatory objectives.

23 By placing the monitors upwind of the highest emitting
24 sources, CCHD is evading the requirements and guidelines of the
25 regulations. CCHD has also placed non-SLAMS and non-NAMS
26
27
28

1 monitors in areas that can have exceedances. The placement of
2 these extra monitors is not public information. CCHD does not
3 report exceedances from these extra monitors. The information
4 from the monitors remains hidden from the public and the EPA. As
5 long as the information remains hidden, Clark County cannot claim
6 that it has placed monitors in the areas where it expects the
7 highest emissions. Claims must be supported by all available
8 information, pro or con. CCHD's purpose in quietly placing
9 monitors is to sniff out the areas that will not result in
10 exceedances.

11 A failure of Enforcement pursuant to CAAA §110(a)(2)(C)

12 According to p. 4-11 of the Plan, "Other than current
13 controls required by the new source performance standards (NSPS)
14 and New Source Review (NSR) on major sources of pollution, no
15 additional controls are warranted." This opinion would be valid
16 if the APCD had required existing stationary sources to comply
17 with the CAAA. The opposite is true. Large sources in the Las
18 Vegas Valley pollute the air with impunity with the affirmative
19 assistance of APCD. When sources of air pollution operate "off-
20 the-books," the data is not a part of a credible emissions
21 inventory.

22
23 In most instances, there is no implementation or enforcement
24 of §173 BACT or LAER as required by the only approved SIP, the
25
26
27
28

1 1979 SIP as amended in 1981/82/99'. The EPA is aware of the
2 sources that have no lawful permits. The EPA is aware of the
3 sources that operate with APCD sham permits. In some cases, the
4 EPA has filed Notices of Violation (NOVs). In other instances
5 such as in the cases of Nevada Power and Kerr-McGee, nothing was
6 done. Two major sources of air pollution, Nevada Power's Reid-
7 Gardner Plant at Hidden Valley and the Mohave Generating Station
8 in Laughlin put out so much air pollution including CO, that they
9 regularly pollute the Las Vegas nonattainment area air despite
10 being beyond the 25 mile regulatory limit.

11 A failure to recruit and retain adequate personnel pursuant to
12 CAAA §110(a) (2) (E)

13 The Plan does not address the issue of recruiting and
14 retaining adequate, competent, well educated personnel who stil'
15 have their integrity intact. According to p. 5-27 of the ENVIRON
16 Report, the "Staff Management" of the local air program received
17 a rating of 1.91, which ENVIRON described as "Seriously
18 Deficient." From p. 1-2 of the ENVIRON Report, "Significant
19 organizational improvements are needed to effect a long term,
20 productive, air quality program that has the public trust." In
21 fact, ENVIRON goes on to say on p. 1-4, "Air quality plans for
22 attaining and maintaining the NAAQS for CO, PM-10, and ozone (due
23 to the new standard) need to be done much better than in the
24 past." One of their recommendations to achieve their statement
25

26 _____
27 ⁷ Subject to pending litigation by the Petitioner.
28

1 is found on p. 1-5, "Elimination of Air Quality Division of the
2 County Health District (and) elimination (sic) of Clark County
3 Department of Comprehensive Planning's air management functions."
4 In other words, the consultant for the State of Nevada recommends
5 disbanding the division now in charge of the local air
6 enforcement program in Clark County.

7 It is a fact that the EPA approved a \$173 NSR SIP, a SIP
8 that was approved in 1979 and amended in 1981, 1982 and 1999.
9 The 1999 SIP amendments are less stringent than earlier SIP
10 regulations, EPA and CCHD disclaimers notwithstanding. With the
11 ambient air CO monitors placed upwind of the points of highest
12 pollutant impact, the true non-attainment status of the valley is
13 not in the CO SIP submittal. APCD has done everything possible
14 to understate the air pollution truth. The issue is CO emissions
15 concentrations vs. reported emissions concentrations. The issue
16 is top management leadership and integrity.

17
18 The monitor at East Charleston has now disappeared. The
19 monitoring data from that site repeatedly reported problems with
20 CO. We are no longer comparing data from the same sites. There
21 is a lack of demonstrated continuity in the Plan between the
22 former East Charleston and McDaniel sites and the Sunrise Acres
23 Elementary or "five points" site and the J.D. Smith Elementary
24 School site, both as successor sites. The emissions inventory
25 that was used in this Plan is not a credible inventory by reason
26 of this lack of continuity. The inventory was prepared with
27
28

1 "assistance" from APCD. Independent reviewers simply cannot
2 replicate the data from the data presented in the CO SIP
3 proposal.

4 Recently, the County Commission hired another consultant to
5 "study" the emissions of the airport, create an inventory, and
6 obtain necessary permits for the airport. This effort was not
7 underway as of the release of the Plan. That is additional
8 evidence that the airport data presented in the CO SIP submittal
9 is not credible. The hiring of another consultant speaks volumes
10 about the abilities and credibility of some key APCD personnel.

11 CCHD is tasked with the implementation, including monitoring
12 and enforcement, of this Plan. In p. 11 comments dated June 19,
13 2000 that responded to ENVIRON Report findings that were critical
14 of the management of the Clark County air program, the Departmen
15 of Comprehensive Planning stated, "Finally, the report involves a
16 lot of discussion about what an agency needs to be effective.
17 The key, which should have been emphasized more, is
18 knowledgeable, experienced and dedicated staff that are
19 competently managed. Changing structure, adding funds or giving
20 the state agencies a larger role will all be for naught if this
21 central issue is not addressed comprehensively."

22
23 The NEC would like to point out a misrepresentation in the
24 Plan. According to Appendix A, Section 6.3, "Susan Ward,
25 Emission Specialist, in the Engineering section of the APCD.. Ms.
26 Ward has over six years of varied air quality experience. For
27

1 the past two years, she has worked on facility permitting (sic),
2 conducting inspections, and maintaining the AIRS database." On
3 information and belief, this information is not accurate. It is
4 common knowledge that Susan Ward has not been employed at APCD
5 for well over five years. Susan Ward left the APCD in
6 approximately 1993 and later prevailed in a complaint against the
7 CCHD which alleged harassment.

8 Carbon Monoxide Dispersion Modeling, Modeling Protocol and
9 Assumptions, Clark County Department of Aviation, April 29, 1999.

10 According to information made available recently, the
11 inventory of McCarran airport was "upgraded" from 2 to 10 tons
12 per day, to 39 tons per day. McCarran's emissions have now been
13 downgraded back to 27 tons per day and 36.4 tpd for all county
14 airports in the non-attainment area. Nellis allegedly has 2.86
15 tons of CO per day. (Id. Table 3-2, p. 3-3.) The use of 36.4
16 tons per day is curious since Appendix D includes a Leigh Fisher
17 Associates report of a 1997 emissions inventory for nonattainment
18 area airports. The report lists the three airports at 13,999.71
19 tons per year. The requirement is to use the latest, most
20 accurate data. That comes to 38.36 tons per day, not 36.4.

21 Adjustments of up to 78 times up or down are not only not
22 credible, they are evidence of data manipulation. When McCarran
23 airport air pollution data is compared to airports across the
24 country with similar traffic, the indication is that McCarran
25 data is simply not credible. The airport is an example of first
26 ignoring the problem since 1979, and then throwing numbers at the
27

1 EPA and the public that have no credible basis. The numbers
2 appear to have been formulated to fit a desired outcome. The
3 ranges of numbers cited herein all occurred in 1999. The hiring
4 of a consultant confirms that Clark County knows that the data
5 are not credible.

6 The analysis reported that average taxi/idle times in 1996,
7 2000, 2010 and 2020 were based on an analysis of taxi distances
8 at each of the airports. In the case of McCarran International
9 Airport, on a review of data from the FAA's Consolidated
10 Operations and Delay Analysis System (CODAS), there is not enough
11 information in the report to determine the accuracy of the method
12 or the accuracy of the data. Delays in taxiing to and from
13 airport runways are rising rapidly throughout the country. There
14 is no indication in the report that these known delays were
15 computed according to the actual delay conditions that currently
16 exist or that are likely to exist in the future.

17
18 Further, Table 6-5 of the Plan shows expected lower modeled
19 levels of CO at receptor 277 for McCarran Airport. Landings and
20 takeoffs and overall traffic and ground transportation are
21 expected to increase over time. For that reason emissions are
22 expected to increase. The Plan simply claims the modeled CO
23 impact will decrease from 1996 through 2010. There is no
24 credible support for the claim. This may help explain why the
25 APCD has the grading tool, the monitor, upwind from pollution
26
27
28

1 sources so that the misrepresentation will not likely be fully
2 discovered or quantified.

3 The situation at Nellis AFB is just as bad. The Plan lists
4 Nellis AFB as 2.86 tons per day of CO. Apparently Clark County
5 did not read the Renewal of the Nellis Air Force Range Land
6 Withdrawal, Department of Air Force, Legislative Environmental
7 Impact Statement, Volume 1, March 1999, p. 3.7-8. The Nellis
8 data report 2,644 tons of CO per year or 7.24 tons per day. The
9 Plan indicates 2.86 tons per day, a 154% difference too low.
10 There is no information in the Plan as to where the 2.86 number
11 came from or how it can be justified in light of the Nellis
12 calculations that simply do not support the Plan's data.

13 A failure of correlation of emissions inventory including
14 monitored emissions, and potential emissions CAAA §110(a)(2)(F),
15 §172(c)(3) and (4), §187(a)(1) and (5), and §187(c)(1)

16 The Las Vegas Valley is a serious non-attainment area and
17 has several significant sources of CO. Significant CO sources
18 have regularly appeared in APCD inventories that indicate source
19 annual emissions of CO that exceed 100 tons each. The Plan
20 identifies only one source out of several, that has over 100 tons
21 of CO per year. This under reporting is a misrepresentation of
22 CO emissions in the non-attainment area. The requirements
23 regarding potential emissions are missing. It is a common
24 practice of APCD to give away permits with huge Potential to Emit
25 limits, and then let the source claim much smaller actual
26 emissions as a means of avoiding fees. The more important number
27
28

1 is the Potential to Emit number since that number is more
2 representative of actual emissions as opposed to fee paid
3 emissions.

4 Another serious omission involves the use of a 1990
5 emissions inventory. A 1990 emissions inventory does not include
6 sources of air pollution modified, constructed or planned since
7 1990. One such substantial source of air pollution is El Dorado
8 Energy, a major source of CO air pollution within the 25 mile
9 nonattainment area limit. There are a number of projects planned
10 for the APEX and nearby areas that are not in the emissions
11 budget. The missing projects include but are not limited to a
12 580 MW Southern Electric power plan, a 1100 MW Duke Energy power
13 plant, a Nevada Power Harry Allen Station addition of seven more
14 units to their existing one unit, and a Las Vegas Cogen power
15 plant in North Las Vegas. Las Vegas Cogen already has an
16 application pending for four more units in addition to the one
17 they already have. Petitioner believes that the CCHD knows about
18 many more such sources of air pollution. CCHD has been slipping
19 them in with improper designations as minor sources without
20 public notice of hearing. We estimate that all such projects
21 (listed and not listed) are well over 1,000 tons per year of
22 (CO). The Eldorado Energy plant was the recipient of bogus tree
23
24
25
26
27
28

1 planting credits (the twig in a can that sleeps during the winter
2 scam)⁸. Nothing is as it seems in Clark County.

3 The CAAA requires that all nonattainment areas prepare a
4 base year inventory that is comprehensive, accurate, and current
5 with respect to actual emissions. Section 182(a)(1). This
6 document makes it clear that the 1990 inventory was not
7 comprehensive, accurate, and current with respect to actual
8 emissions. Since the 1990 inventory is not credible, a 1996
9 inventory extrapolated from the 1990 inventory is not
10 comprehensive, accurate, and current with respect to actual
11 emissions. We have also pointed out that the point source
12 inventory is not accurate for the reasons given herein.

13
14 There is no explanation on Table 3-2, 1996 Carbon Monoxide
15 Emission Summary as to how the data was extrapolated. There is
16 no clear and unambiguous statement advising the public where the
17 data came from or the formula used to adjust or manipulate the
18 data from year to year.

19 The stationary point sources identified in Table 3-2, p. 3-3
20 are listed with CO emissions inventories that are not credible.
21 The following sources list emissions that decreased since the
22 1997 inventory at a time when the population in the valley was
23 growing rapidly. Chemical Lime was listed in 1997 at 409 tons
24 per year or 1.12 tons per day. Chemical Lime has since expanded
25 their operations with kiln 4. The Plan lists 0.82 per day, a
26

27 ⁸ See the NEC Report on Clark County's District Board of Health, Revision V,
28

1 difference of 0.30 or a difference in the source of air
2 pollution's favor of 36% from the Plan's data. Kerr-McGee was
3 listed at 166 tons per year or 0.45 per day. The Plan lists
4 Kerr-McGee at 0.24 per day, a difference of 0.21 or a difference
5 in the source of air pollution's favor of 88% from the Plan's
6 data.

7 TIMET was listed in the inventory at 1587 tons per year or
8 4.34 tons per day. Their 1990 total in Appendix A, Stationary
9 Point Sources were listed in 1992 as 10,362 tons per year for the
10 calendar year 1991, and projected on an annualized basis from the
11 data presented at approximately 13,817 tons per year for 1992.
12 That is a difference of 653% for 1991 and 871% for 1992 over the
13 1997 inventory. There is no explanation offered for this huge
14 difference in the inventory data although we understand that the
15 difference is the result of the installation of control
16 equipment. There is no information as to what equipment was
17 installed and when it was installed.

18
19 A December 17, 1999 EPA press release proclaimed, "TIMET to
20 pay \$430,000 to settle air pollution violations at Henderson
21 facility." ... "From 1992 to 1998, the plant operated with a
22 carbon monoxide burner which reduced emissions of that toxic gas,
23 but increased a hundred-fold the facility's potential to emit
24 sulfur dioxide." ... "Under the agreement, in addition to paying
25 the \$430,000 civil penalty TIMET must comply with hourly, daily,
26

27
28 dated December 9, 1999.

1 and annual limits on carbon monoxide and sulfur dioxide
2 emissions."

3 Even using the 1587 tons per year data, the Plan lists TIMET
4 at 2.92 per day, a difference in the source of air pollution's
5 favor of 49% from the Plan's data. The difference between the
6 1991-92 inventory data and the Plan's data is substantial and
7 must be explained. The 1991-92 data was reported by Richard J.
8 Allinger, Manager, Environmental Affairs of TIMET.

9 APCD regulates approximately 28, Title 5, Part 70 sources
10 that are major for one or more air pollutants. None of these
11 sources are reported for CO. Sources such as Saguro Power
12 Company, Nevada Power Company's Harry Allen Power Station, Nevada
13 Power Company's Sunrise Station, Nevada Power Company's Clark
14 Station, Nevada Cogeneration #1 and #2, Nevada Sun Peak, Las
15 Vegas Cogeneration, James Hardy Gypsum, PABCO Gypsum, Chemical
16 Lime, Georgia Pacific and many, many others were not analyzed or
17 included where applicable. This is further evidence that the
18 emissions inventory does not comply with the requirement to be
19 "current".
20

21 Pursuant to a June 25, 2000 Part 70 public notice, Nevada
22 Cogeneration #1 (Garnet Valley) has 140.60 tons per year of CO
23 air pollution. Authority to Construct applications for Nevada
24 Ready Mix Modification #2 (A-00512) claim the source has 10.39
25 tons per year in notices ranging from 1991 to 1999. The number
26 did not change all those years. At Nevada Power's Modification
27
28

1 #1, the claim was 23.75 tons per year. Other notices listed CO
2 emissions of 39.32 and 34.6 tons per year. Whatever the exact
3 number, there are approximately 200 tons per year of CO air
4 pollution from only two of the sources checked at random that are
5 not in the emissions inventory. Even allowing for 985.50 tons
6 per year from "small" stationary sources, these two sources
7 account for 20% of the emissions listed. Emissions from
8 remaining Part 70 and other sources are clearly not in the
9 inventory.

10 The 1997 inventory is the APCD inventory in which "10%
11 perfection" (90% imperfection) was the targeted goal. Hopefully,
12 the degree of perfection has improved since the time of the
13 Plan's 1990 inventory.

14 Noticeably absent from the Plan were listings for major
15 utility sources. These large sources of CO are often forced to
16 operate at or near full capacity in order to meet the electrical
17 demands of the growing Las Vegas marketplace. Despite this
18 robust and booming electrical demand, according to APCD emission
19 inventories CO emissions are almost non-existent from these
20 Nevada Power large fossil fuel fired combustion units. None of
21 these data are in the Plan. The list of sources is not complete
22 or credible.

24 The point is that §187(c)(1) applies. This section covers
25 areas with significant stationary source emissions of CO.
26 Significant is defined as 100 tpy. There are many 100 tpy or
27

1 more sources in the valley. APCD does not like to discuss them.
2 According to §187(c (1), "... the State shall submit a plan
3 revision within 2 years after the date of the enactment ... which
4 provides that the term 'major stationary source' includes (in
5 addition to the sources described in section 302) any stationary
6 source which emits, or has the potential to emit, 50 tons per
7 year or more of carbon monoxide". That is the applicable
8 regulation. Contrast that with the Plan's nine listed stationary
9 sources.

10 According to §110(a)(2)(F)(iii), the Plan must have
11 "correlation of such reports by the State agency with any
12 emission limitations or standards established pursuant to this
13 Act, which reports shall be available at reasonable times for
14 public inspection".

15 The Nevada Environmental Coalition, and others including the
16 press, have tried for years to get accurate, up-to-date emissions
17 inventory and their correlations to statutory and permitted
18 emission limits from the APCD. The APCD has not and cannot
19 provide a credible, accurate, up-to-date emissions inventory
20 along with the correlated emissions limits. The APCD admits its
21 inventory is in disarray. The CCHD resists providing public
22 information. APCD helps major sources evade the requirement to
23 apply for a part 70 permit by claiming the source is non-major,
24 minor. They even have a new language. The new term is
25 "synthetic" minor.
26
27
28

1 Petitioner has made it clear that he can prove that APCD
2 does not comply with federal inventory regulations. The reason
3 that the APCD cannot provide a credible emissions inventory is
4 that they have made up numbers for so long they are tripping over
5 their own data and can no longer creatively adjust the numbers
6 without public oversight organizations catching on.

7 According to §172(c) 3), "Such plan provisions shall include
8 a comprehensive, accurate, current inventory of actual emissions
9 from all sources of the relevant pollutant or pollutants in such
10 area..."

11 According to Section 1 of Appendix A Carbon Monoxide
12 Emission Inventory, "This document contains the 1990 base year
13 carbon monoxide (CO) emissions inventory as well as the projected
14 future year 1996 and 2000 emissions from the Las Vegas Valley
15 Non-attainment Area". Section 1.1 of Appendix A indicates, "The
16 point source inventory was prepared primarily from a mail survey
17 by the Clark County APCD". The mail survey was an attempt to
18 reconstruct the data by asking those regulated what the numbers
19 were. Sources of air pollution have to pay to pollute. There is
20 no incentive to reporting emissions accurately.

22 APCD management professes "10% perfection" of their 1997
23 emissions inventory. An inventory that seeks 10% accuracy is not
24 credible, comprehensive, or current. The inventory the Plan
25 relies upon cannot claim even 10% accuracy. APCD cannot
26
27
28

1 substantiate any of their numbers with credible data that would
2 hold up in a court of law.

3 At Appendix A, Section 2.4, the Plan claims, "EPA's AIRS/AFS
4 was used to compile the stationary point source inventory and
5 prepare the data for SIP submittal." Obviously, EPA's data
6 cannot be any more credible than APCD's data since it is the APCD
7 that supplies the data to EPA. If the APCD reached their goal of
8 10% perfection, then EPA's data cannot be any more than 10%
9 accurate.

10
11 May 16, 2000, Draft, Microscale Hot Spot Modeling With CAL3QHC
12 For Las Vegas CO SIP by Clark County Department of Comprehensive
Planning.

13 The Plan fails to demonstrate adequacy pursuant to 40 CFR §
14 51.112. Plan, p. 1. The choice of the CAL3QHC model as part of
15 the Las Vegas Valley year 2000 attainment demonstration of the
16 National Ambient Air Quality Standards (NAAQS) for carbon
17 monoxide (CO) is not justified. The following statement that the
18 CAL3QHC model "is the model recommended by the U.S. EPA for CO
19 attainment demonstration" is made without reference or
20 justification. Later there is a reference to a Version 2
21 without explanation. There is no reference to a Web site, an
22 address complete with telephone numbers, regulatory justification
23 for the use of a particular model, or for example, the
24 justification for using the original version of CAL3QHC or
25 Version 2. The designations for the two different modeling
26
27
28

1 versions are used interchangeably throughout the document without
2 a clear statement as to which one was actually used.

3 The choice of three intersections (East Charleston and
4 Eastern, East Charleston and Fremont, and Eastern at Fremont) at
5 the "five points" region of Las Vegas is not justified. "The
6 'five points' intersections were chosen for the hot spot analysis
7 due to the high-volume of traffic in the area and the high CO
8 concentrations observed in the nearby monitors (Sunrise Acres and
9 Marnel Field) during this episode."

10 The CCHD spent a long time trying to close down the East
11 Charleston site where most of the more serious exceedances had
12 occurred in the past. They succeeded on the pretense of moving
13 the site away from pine trees. Petitioner believes that CCHD
14 played an elaborate hoax on the EPA and they bought it. The on
15 serious purpose in moving the East Charleston monitoring
16 equipment to the 'five points' site was to move the equipment to
17 a site that would report lower emissions. That is exactly what
18 has happened.
19

20 Methodology for using CAL3QHC is not provided. Data from
21 CAL3QHC or CAL3QHC (Version 2) models were apparently combined
22 with Urban Airshed Model (UAM) data, "for attainment
23 demonstration of CO NAAQS." "Combining 1-hour average
24 microscale CO concentrations with 1-hr. average background or
25 neighborhood CO concentrations generated from the UAM in the four
26 grid cells immediately surrounding the roadway intersection."
27
28

1 (Id. p. 2) The information then mentions BRW, 1992 regarding
2 "intersection geometrics, dimensions, and average signal cycle
3 and times" without further explanation as to why the BRW or the
4 UAM data should be used at all. The document states that "Hourly
5 wind speeds and directions from the UAM grid cell where the
6 intersections are located were also used in the CAL3QHC model."
7 There is no explanation for that decision.

8 CAL3QHC user's guide (EPA, 1995) suggests that the wind
9 speed should be at least 1 meter/second (M/s) as CAL3QHC has not
10 been evaluated for wind speeds below 1 m/s. Therefore, the
11 default wind speed of 1 m/s was used for the intersection
12 modeling due to the calm wind conditions for the episode." If
13 CAL3QHC has not been evaluated for wind speeds below 1 m/s and
14 the episode winds are not 1 m/s and are calm, CAL3QHC cannot be
15 used for modeling the episode. The use of the words "suggested"
16 in connection with "EPA" is inappropriate in SIP modeling.
17 Either the model is used according to the way it was evaluated or
18 the model is inappropriate for the determination of SIP emissions
19 budgets.
20

21 Other models such as MOBILE5b and the RTC's transportation
22 model for 2000, 2010, and 2020 were used in the modeling episode
23 without appropriate references or regulatory citations. The data
24 was adjusted based on NDOT traffic counts.

25 The document referred to Attachment E. A document that was
26 not marked as Attachment E followed Attachment D and is believed
27
28

1 to be the document referenced. It is a May 17, 2000 letter from
2 Fred Ohene, Regional Transportation Commission.

3 At the outset, the letter admits "that the enclosed traffic
4 data represents a disparity from the volumes that were originally
5 provided to the County in 1998 to develop the Serious Area CO
6 SIP. In fact the volume information indicates a reduction in
7 total demand, something that is unusual for a metropolitan area."
8 In the information that follows, the RTC admits that it switched
9 from three intersections at the "five points" region to traffic
10 counts from an average of 12 intersections from 1995 to 1998.
11 The data indicated that traffic demand increased from 1995-96 by
12 4%, increased from 1996-97 by a 1.41% increase, and decreased
13 from 1997-98 by 3.86%. The letter then admits that SIP CO
14 emissions budgets are based upon the decreasing trend.
15

16 Chapter Three - Emissions Inventory Summary, Table 3-1, p.
17 3-1, shows an increase in population from 1,037,844 in 1996 to
18 1,269,600 in 2000, 1,790,700 in 2010 and 2,406,500 in 2020. That
19 is a population increase of 231,756 from 1996 to this year and a
20 population increase of 1,368,656 or more than double in twenty
21 four years. The record does not show that those who comprise all
22 of this population increase will be non-smokers, who will not
23 cause any source of CO to increase CO production, and who will
24 not use any mode of transportation other than bicycles. To the
25 contrary, Vehicle Miles Traveled (VMT) data report vehicle
26 increases that parallel those of population.
27
28

1 The RTC attempted to justify the reported decrease in study
2 traffic demand by citing a minimal increase in housing and an
3 occupancy rate that stayed flat in the "five points" area. There
4 is no information in the letter concerning valley-wide increases
5 in traffic demand as reported elsewhere in the CO SIP (see
6 *supra*). There is no explanation concerning the obvious fact that
7 the three intersections are not representative of the valley's
8 increased traffic demand, arterial construction and widening, new
9 road and beltway construction. There is no information
10 concerning the fact that the comparisons made are from two
11 different data bases (three intersections vs. twelve
12 intersections) and from other databases. Data from the three
13 intersections used in the report are not the monitoring point
14 that has traditionally showed CO monitoring exceedances. There
15 is no justification provided for this switch in monitoring sites.
16 The switch in monitoring sites did succeed in reporting CO SIP
17 emissions budgets based on a decrease in traffic demand despite
18 the valley's runaway traffic growth and that makes them suspect.

19 In Table 2 (Id. p. 4), the vehicle speed rationale as well
20 as the rationale for all of the other input data is not
21 justified. The same is true for the input data used in all of
22 the models cited.
23

24 For the reasons given, the modeling results provided in
25 Table 3 (Id. p. 5) cannot and were not justified. The procedures
26 used from the choice of the model, the justification for
27
28

1 decisions surrounding the input data, the choice of the
2 monitoring location and all of the other issues cited herein ha
3 created a modeling table that is not credible.

4 In summary, CO SIP emissions budgets were calculated by more
5 than one computer model where the lawful authority for using the
6 particular model(s) that were used remains a mystery to the
7 public reading the documents. The information provided describes
8 a mixing of data from different years and from different model
9 data bases with no explanation as to the justification for each
10 data base and mixed data decision. Clark County may well have
11 used modeling and input data errors that result from the use of
12 inappropriate models, data from different years, and data from
13 different traffic and climate conditions. The public cannot
14 determine the accuracy and credibility of the data from the
15 information provided.
16

17 It is well known that Clark County has established temporary
18 test sites over the years and knows the areas where CO monitoring
19 results in the highest readings. A full disclosure concerning
20 that information was not provided to the public or to the EPA.

21 Designations of computer models provided to the public are
22 vague and ambiguous. Clear references as to where the public
23 might find the computer models used in order to determine the
24 emissions budget are missing. The use of particular models and
25 particular versions of models used is not justified in the
26 information provided. Choosing an area of the Las Vegas Valley
27
28

1 showing a decline in transportation demand is not representative
2 of traffic demand in the valley nonattainment area according to
3 the SIPs own population and VMT data. More important, from a
4 common sense point of view, the emissions data report is absurd.
5 Clark County has taken the position in this report of claiming
6 that it may more than double the population and VMT in the valley
7 and decrease CO concentrations along the way. The only way that
8 could happen is to close down all forms of transportation, block
9 all interstate highways and require a majority of the public to
10 ride bicycles. At the current rate of growth, they may have to
11 include a smoking ban and curtail all other activities that
12 create CO as well.

13 The truth is that Clark County has to slow down the issuance
14 of building permits. Clark County has to slow down its runaway
15 growth policy or it will never meet CO standards as long as
16 gasoline is used in vehicles. Clark County refuses to face the
17 obvious and for that reason alone, the EPA should not approve
18 this CO SIP.

19
20 A failure of implementation of applicable stationary source
21 requirements for non-attainment areas pursuant to §110(a)(2)(I)

22 The Plan ignores this section other than to suggest as it
23 does in Section 4.2.3, p. 4-9. "Other than current controls
24 required by the new source performance standards (NSPS) and New
25 Source Review (NSR) on major sources of pollution, no additional
26 controls are warranted." The controls required by NSR or NSPS
27 have not been implemented as we have discussed previously.

1 Grandfathered sources are required to implement BACT. The
2 benefits of applying BACT are taken on paper. It is the reality
3 of BACT that is missing.

4 Our claim is confirmed by the EPA 1996 Re-evaluation of the
5 Clark County Air Quality Program. Our allegation is supported by
6 EPA's issuance of several (NOVs) notices of violation. And,
7 finally, our allegation is driven home by the ENVIRON report
8 which we have cited previously. For these reasons, and others,
9 the Plan must not be approved.

10 A failure of believable air quality modeling and data,
11 §110(a)(2)(K)

12 An earlier SIP submittal indicated attainment would be
13 reached, if only on paper, at a daily CO emission rate of
14 approximately 298 tpd. The SIP was not approved, and attainment
15 was not reached. The instant Plan suggests in Table 8-3, p. 8-4
16 that attainment can be reached with a budget of 378.2 tpd in the
17 year 2000 with a modeled impact of only 8.1 ppm. The table then
18 projects higher emissions in the year 2010 and 2020 that result
19 in modeled concentrations that are lower than 9 ppm. The Plan
20 fails to correlate that data with the previous 298 tpd budget
21 that failed to reach attainment. If 298 tpd of CO failed to
22 attain the standard, there is no credibility in suggesting that
23 attainment of the standard will be reached at 378.2 tpd in 2000,
24 or 415.3 tpd in 2010, or 566.2 tpd in 2020. According to the
25 Plan, Table 8.3, p. 8-4, emissions of 415.3 tpd result in a lower
26 maximum predicted CO concentration than does emissions of 378.2
27

1 tpd. The Plan suggests the maximum predicted concentrations for
2 566.2 tpd would be lower than for emissions of 469.8 tpd. The
3 Plan is simply not credible.

4 Clark County has a plan that will work. The plan is to
5 allow APCD to continue monitoring. The director of APCD has
6 assured the public that no more CO concentration exceedances will
7 be reported. With that assurance, emissions can continue to
8 increase and attainment demonstration concentrations will be
9 reduced. All one has to do is have a very positive attitude
10 along with the power to report emissions data. Under that
11 scenario, results are guaranteed. APCD's plan is to reach
12 attainment by keeping a careful eye on monitors and take them out
13 of service when an exceedance is imminent. The only way they can
14 fail is if the wrong person goes on vacation.

15
16 Section 4.2.1.2 of the Plan cites several TCM/TDMs that
17 originate from §182 of the CAAA. This section of the CAAA
18 addresses ozone, not CO, and must be expunged from the Plan.

19 Executive Order 13045: Petitioner requests that the EPA
20 comply with Executive Order 13045 re: Protection of Children from
21 Environmental Health Risks and Safety Risks (62 FR 19885, April
22 23, 1997). The promulgation of a regulation involving a serious
23 CO attainment area is "economically significant" as defined under
24 Executive Order 12866. Carbon monoxide involves a health and
25 safety risk that has a disproportionate effect on the children
26 living in the "five points" area. Any regulation involving a CO
27
28

1 SIP in a serious nonattainment area meets both criteria. The
2 Agency must evaluate the environmental health or safety effects
3 of the planned rule on children in the areas with highest CO
4 concentrations, and explain why the planned regulation is
5 preferable to other potentially effective and reasonably feasible
6 alternatives considered by the Agency. One of several
7 alternatives that must be considered under the totality of the
8 circumstances that exist in the Las Vegas Valley is the statutory
9 requirement for a Federal Implementation Plan (FIP).

10 Executive Order 12898: Petitioner requests that the EPA
11 consider the adverse health effect impacts the promulgation of a
12 regulation approving a CO SIP will have on minority and low
13 income populations who are disproportionately represented in the
14 valley nonattainment area. Petitioner requests that the EPA
15 consider the disproportionate economic impact on such a
16 population where the submitted CO SIP proposes an inverse
17 relationship between valley growth and carbon monoxide emissions.
18 Minority and low income populations who are disproportionately
19 represented in the valley nonattainment area generally live in
20 the lowest areas of the valley by altitude where CO tends to
21 collect. To the extent that the theory behind the assumptions
22 made in the CO SIP submission is in error, minority and low
23 income populations will be heavily impacted.

24 RELIEF SOUGHT
25
26
27
28

1 Petitioner requests that the Clark County Commission
2 disapprove the Plan for inclusion into the Nevada SIP. The Plan
3 misrepresents and is not a Plan that the EPA could seriously
4 consider. A credible Plan must be submitted.

5 The public was not given reasonable time to consider the
6 Plan. Petitioner regrets that with more time, a more polished
7 and complete presentation could have been made.

8 Petitioner claims all of his rights including but not
9 limited to those found at 42 USC § 7607, CAA § 307. §307(h)
10 requires "...a reasonable period for public participation of at
11 least 30 days..."

12 The Plan submitted in August 1999 by the Clark County
13 Commission failed, and was denied by EPA. This instant Plan is
14 worse than the August 1999 submittal. Not only are the
15 deficiencies of the earlier Plan still evident, new deficiencies
16 were added that are much worse.

17 In the few days available, Petitioner and the public's thin
18 green line have discovered gross deficiencies in the Plan. With
19 more time, many more would be revealed. The deficiencies must be
20 corrected. They cannot be corrected until the emissions
21 inventory is credible and is fairly presented with integrity.

22 It is the opinion of the Petitioner that two events must
23 occur or the State of Nevada is going to lose not only Federal
24 Highway funding, but BLM, FAA and other federal funding and
25 cooperation in the very near future.
26
27
28

1 The first event that must occur is a change in key APCD and
2 CCHD personnel. It is obvious that without that change, Clark
3 County will never submit a credible plan. The issue is
4 integrity. CCHD has executives that have been working both sides
5 of the street. Current management is in too deep. They do not
6 know how to get out of the abyss they have created assuming they
7 wanted to make a meaningful change. CCHD does not have
8 leadership that has any intention, particularly with monitoring,
9 enforcement and emissions inventories, to get the job done. It
10 is time to transfer key personnel pending a full and fair
11 investigation.

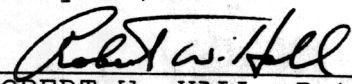
12 The second event that must occur is that Clark County must
13 recognize that it cannot continue to welcome large numbers of
14 people to the valley. The valley must implement a moratorium on
15 building and dust control permits in order to slow down the
16 runaway growth that also causes CO and other types of serious air
17 pollution. The reason is twofold. First, the numbers to reach
18 attainment do not add up. Second, AQD cannot hold a lid on this
19 scam any longer. Those involved are nervous. They realize what
20 they are doing is wrong. More and more people are volunteering
21 information and the workers are refusing to take the routine
22 risks. Clark County has burned its candle at both ends for far
23 too long. The day of reckoning has arrived. The days of runaway
24 growth and disregard for the health and safety of Clark County
25
26
27
28

1 citizens are over. Procrastination by arranging deck chairs will
2 not solve the problem this time.

3 Petitioner further requests full EPA compliance with the
4 language, spirit and intent of the Clean Air Act §113, 42 U.S.C.
5 § 7413, Federal Enforcement. Over the last three years,
6 Petitioner has provided both the EPA Administrator and the Region
7 IX Administrator with credible information that Clark County's
8 violations of the Clean Air Act "are so widespread that such
9 violations appear to result from a failure of the State in which
10 the plan or permit program applies to enforce the plan or permit
11 program effectively."

12 Commenter requests that EPA implement a Federal
13 Implementation Plan (FIP) pursuant to §110(c 1), and apply
14 Sanctions §110(m) pursuant to §179(a), supra, without further
15 delay. That means now, not months or years from now. Clark
16 County has met all of the requirements for a FIP many times over.
17 Public health and safety is held hostage while bureaucrats
18 procrastinate.
19

20 DATED: Las Vegas, Nevada, July 21, 2000.

21 
22 _____
23 ROBERT W. HALL, Petitioner as an
24 individual and on behalf of the
25 Nevada Environmental Coalition,
26 Inc.
27
28

c/o Robert W. Hall
10720 Button Willow Drive
Las Vegas, NV 89134
(702)-360-3118
FAX: (702)-360-3119
rwhkc@earthlink.net

**NEVADA
ENVIRONMENTAL
COALITION**

COPY

NEC Fax

To: Larry Biland, EPA

From: Robert W. Hall, M.S.

Fax: 415-744-1076

Pages: 1

Phone: 415-744-1227

Date: 11/04/99

Re: FR 64-210, 58837

CC:

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

1. Please send us a copy of the July 12, 1999 letter from the EPA to the Nevada Division of Environmental Protection re: area PM10 emissions budgets mentioned in FR 64-210, 58837.

2. This is a standing, continuing request. Pursuant to applicable sunshine meeting laws, we request notice and an opportunity to attend all meetings involving any federal, state or local agency operating in Clark County Nevada where the public and/or environmental organizations such as the NEC, are entitled by law to notice and the right to attend. By meeting we mean meetings involving air and water pollution issues of any kind or nature whatsoever. We understand that "secret" meetings have been held involving such issues as the Mohave Power Plant. We request a full disclosure of all such meetings held in the last twenty-four months. We also want to make it clear that we request notice and the right to attend any meeting where any other national, state or local environmental group is invited to attend re: issues involving air and water pollution that involve or impact Clark County Nevada in any way. When EPA officials visit Clark County and meet with government officials, we request prior notice and the right to attend all such meetings where the applicable statutes permit us to attend. The EPA is on notice that the habit of neglecting to notify and include interested organizations such as the NEC has to stop.

Robert W. Hall, Chairman

EXHIBIT

A

c/o Robert W. Hall
10720 Button Willow Drive
Las Vegas, NV 89134
(702)-360-3118
FAX: (702)-360-3119
rwhkc@earthlink.net

**NEVADA
ENVIRONMENTAL
COALITION INC.**

NEC Fax

To: Nina Spiegelman, ORC Branch Chief **From:** Robert W. Hall, M.S.
Fax: 415-744-1041 **Pages:** 5
Phone: 415-744-1327 **Date:** 05/19/00
Re: Clark County NOV's & communications **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

● Request:

We request that your office send us notices of all State of Nevada and Clark County Notices of Violation (NOV's) filed by your section in the last twelve months and in the future, involving any issue or against any source of air or water pollution in the Clark County, Hydrographic Basin 212, the Las Vegas Valley.

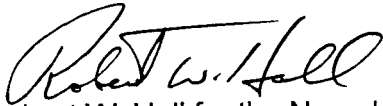
Regarding Clark County Nevada, we request that you mail us a copy of any document that you send to, or receive from any person or legal entity including local, state or federal agencies, that involves NEC filing's of comments, protests or lawsuits. We are concerned that we are not receiving copies of ex parte communications, particularly where we are a party.

An example of our concern is the attached May 12, 2000 letter from Malcolm C. Weiss, Esq. to Robert Mullaney of the ORC. We are involved as a complainant in a Capital Cabinets Corp. formal hearing proceeding before the Clark County Health District Hearing Board. If the Clark County Health District had not sent us a copy of the attached letter, we would not have known that it was sent. We believe that under the circumstances, the communication is not proper without notification to us. We request a copy of your section's policy regarding the receipt, handling and transmittal of ex parte communications in contested administrative actions



May 19, 2000

We have one or more sixty-day Clean Air Act notice of suit letters outstanding against the EPA and Region IX. We are a party, and an interested party in much of what goes on in the valley in the way of air and water pollution. Please keep us fully informed in the future, at least as well as your section keeps anyone else informed.

A handwritten signature in black ink, appearing to read "Robert W. Hall". The signature is written in a cursive, flowing style.

Robert W. Hall for the Nevada Environmental Coalition, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the attached document was duly served upon the following parties by sending same by U.S. Mail, first class, postage prepaid, as addressed on July 21, 2000.

Donald S. Kwalick, M.D.
Chief Health Officer
Clark County Health
District
625 Shadow Lane
Las Vegas, NV 89127

The Honorable Janet Reno
U.S. Attorney General
Tenth & Constitution,
N.W.
Washington, DC 20530

Felicia Marcus, R.A.
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105-
3901

Kenny Guinn, Governor
State of Nevada
101 Carson Street
Carson City, NV 89701

Deborah Jordan
Region IX, USEPA
75 Hawthorne Street
San Francisco, CA 94105-
3901

** Bruce L. Woodbury,
Chairman
Clark County Commission
500 S. Grand Central
Parkway
Las Vegas, NV 89106

Carol M. Browner
Administrator
Environmental Protection
Agency
401 M Street
Washington, DC 20460

John Schlegel, Director
Clark County Comp. Plan.
500 S. Grand Central Pkwy
Suite 3012
Las Vegas, NV 89155-1746


* Paula Brown, Chairman
Clark County District
Board of Health
625 Shadow Lane
Las Vegas, NV 89127

Kathryn L. Landreth
United States Attorney
701 E. Bridger Avenue
Las Vegas, NV 89101

* For service in her official capacity as chairman of the Clark County District Board of Health, for distribution to all of the members of the Clark County District Board of Health, and for distribution as an informational item on the agenda for the next Clark County Health District, District Board of Health Meeting.

** For distribution to all Clark County Commission members

DATED: Las Vegas, Nevada, July 21, 2000.


ROBERT W. HALL

CCHD 05-08-00



SIERRA
CLUB

FOUNDED 1892

Southern Nevada Group

P.O. Box 19777, Las Vegas, NV 89132

July 21, 2000

Clete Kus

AICP, Principal Planner

Dept. of Comprehensive Planning

Environmental Planning Division

500 S. Grand Central Parkway, Suite 3012

Las Vegas, NV 89155-1741

Dear Mr. Kus,

Following are the comments and concerns of The Southern Nevada Group of The Sierra Club regarding the Draft Carbon Monoxide Air Quality State Implementation Plan for the Las Vegas Valley.

- 1) The comment period is too short for this technical a study.
- 2) The projections for vehicle miles traveled do not take the phenomenon of induced travel into account. VMT have traditionally been underestimated and we feel they are being underestimated again.
- 3) The "Study of Air Quality Programs in Clark County, Nevada" prepared for the Legislative Council Bureau pursuant to Senate Bill 432 notes the existence of a carbon monoxide hotspot north of US 95 and east of Eastern Avenue. It is unclear from the report as to whether there is a CO monitor at that location. If this is not a permanent monitoring site it needs to become one.
- 4) McCarran Airport is not adequately monitored.
- 5) The table 8-3 on page 8-4 shows CO tons/day increasing 188 tons/day between the years 2000 and 2020. It is difficult to imagine that this increase will result in either attainment or maintenance of NAAQS.

Finally, I found the last sentence of the 7.2.1 section (beginning with the word "note") interesting. Environmentalists are often accused of opposing road building projects as a way of forcing commuters, against their will, to use mass transit systems. Imagine my surprise to read that this strategy, (although couched in the gentler term of "selecting alternative modes of travel"), has been adopted by the Regional Transportation Commission to be implemented after this next round of aggressive road building. The question is, when we have saturated the ten lane Highway 95 and all of the rebuilt arterial roads what mass transit system does the RTC and the Department of Comprehensive Planning picture Las Vegas selecting?

To explore, enjoy, and protect the wild places of the earth...





SIERRA CLUB

FOUNDED 892

Southern Nevada Group

P.O. Box 19777, Las Vegas, NV 89132

I welcome the RTC's change of heart away from the notion that transportation planning begins and ends with road building. However, mass transit systems don't fall out of the sky. If there is to be a mass transit system available to commuters in the year 2020 it needs to be planned now. Better yet, why not put mass transit on a fast track and see if we can avoid the orgy of road building we are about to undertake.

Sincerely,

Margaret C. Pierce
Conservation Co-Chair

To explore, enjoy, and protect the wild places of the earth...



**BOARD OF COUNTY COMMISSIONERS MEETING
PUBLIC HEARING ON THE CARBON MONOXIDE STATE
IMPLEMENTATION PLAN, AUGUST 1, 2000**

COMMENTS AND RESPONSES RECEIVED AT THE PUBLIC HEARING

Mr. Gus Ruffy

Comments

He has lived here since 1975. When he first got here the only three areas where you saw smog was in Henderson (the Henderson Cloud), McCarran Airport and Nellis AFB. When he was in the military, he worked on helicopters and spoke of his knowledge of fuel dumping in the Grand Canyon, Lake Mead and into the town. This occurred to reduce the claiming fee which is based on the gross weight of the aircraft. The fuel dumping adds to the pollution problem in both the Grand Canyon as well as Nevada.

Inquired if the County, in general, is getting curved (interpreted as meaning being graded on curve), because of outside sources; vehicles involved in interstate commerce and out of state vehicles traveling here on busy weekends. When the EPA labels us and fines us, are we getting credit for people's cars we have no control over? He has never heard of this subject ever being approached nor has anyone ever spoke about this. He believes that we need to get credit for this or we need to be graded on a curve when we have to deal with something that we have no control over. Related to this is the lack of control over having the seventh busiest airport in the world.

RESPONSE

As a result of corrective action orders and enforcement activities by the Clark County Health District, the "Henderson Cloud" has disappeared. It is important to mention that carbon monoxide is invisible. The smog and visible haze which you refer to results from other pollutants. Visible haze is an issue of concern in Clark County and steps are being taken to address the other pollutants and sources that are contributing to poor visibility.

We do not believe that the practice of fuel dumping is occurring in our area. Until more substantiated evidence is provided, it is not possible for us to further investigate this concern. In any case, fuel dumping would not be a source of carbon monoxide.

Regarding increases in vehicles attributed to tourism and interstate commerce, it is the responsibility of local air quality agencies to address emissions from these sources. The EPA does not make any exceptions in these instances nor do they grade on a curve. The carbon monoxide plan does account for vehicle usage associated with tourism and commerce. This projected increase in vehicle use includes the portion attributed to tourism and the Las Vegas Valley will still be able to attain and maintain the carbon monoxide national air quality standard. These facts are also applicable to projected increases in aircraft operations at McCarran Airport.

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 COMPREHENSIVE
1341684

4554181CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in edition(s) of said newspaper issued from 07/28/00 to 07/28/2000, on the following days: JULY 28, 2000

Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1

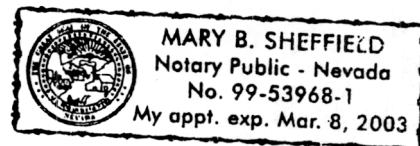
day of August 2000

Mary B. Sheffield
Notary Public

PUBLIC HEARING NOTICE

Pursuant to the 1990 Clean Air Act Amendments and Federal Register Notices, 62 FR 51604 (October 2, 1997) and 65 FR 4965 (February 2, 2000), the Clark County Board of County Commissioners has prepared a Draft Carbon Monoxide (CO) State Air Quality Implementation Plan for the Las Vegas Valley Non-attainment Area. The draft plan provides air pollution control measures to reduce ambient CO concentrations. The Clark County Board of Commissioners will hold a public hearing at 10:00 a.m., time certain, on Tuesday, August 1, 2000, in the Commission Chambers of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV, for the purpose of soliciting comments on the Draft Carbon Monoxide (CO) State Air Quality Implementation Plan. Anyone desiring to comment on the draft plan is encouraged to attend this hearing. Following the close of the public hearing, the Board of County Commissioners will take action on this plan.

PUB: June 28, 2000
LV Review-Journal & Sun



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 COMPREHENSIVE
1288911

4554181CC

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in edition(s) of said newspaper issued from 06/21/00 to 06/30/2000 on the following days JUNE 21 30 2000

PUBLIC HEARING
NOTICE

Pursuant to the 1990 Clean Air Act Amendments and Federal Register Notices, 62 FR 51604 (October 2, 1997) and 65 FR 4925 (February 2, 2000), the Clark County Board of County Commissioners has prepared a Draft Carbon Monoxide (CO) State Air Quality Implementation Plan for the Las Vegas Valley Non-attainment Area. The draft plan provides air pollution control measures to reduce ambient CO concentrations. The Clark County Board of County Commissioners will hold a public hearing at 10:00 a.m., time certain, on Tuesday, August 1, 2000, in the Commission Chambers of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV, for the purpose of soliciting comments on the Draft Carbon Monoxide (CO) State Air Quality Implementation Plan. Anyone desiring to comment on the draft plan is encouraged to attend this hearing. Following the close of the public hearing, the Board of County Commissioners will take action on this plan.

Copies of the draft plan are available for review at the following public libraries: Henderson, North Las Vegas, Las Vegas, East Flamingo, Sahara West and Rainbow branches. Copies of the draft plan are also available at offices of Clark County Department of Comprehensive Planning, Clark County Government Center, 500 S. Grand Central Pkwy., Suite 3012, Las Vegas, NV. A public workshop will be held on the draft plan on July 11, 2000, at the County Government Center, Organizational Development Center, First Floor, Room 1, beginning at 6:30 p.m. Written comments on the Draft Plan must be received at the office of the Department of Comprehensive Planning by 5:00 p.m. on July 21, 2000.

PUB: June 21, 30, 2000
LV Review-Journal & Sun

Signed

LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 4

day of August 2000

Mary B. Sheffield

Notary Public

