

# APPENDIX H

## Clark County Health District (CCHD) Resolutions

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## Clark County Health District (CCHD) Resolutions

### Memorandum #18-00

Resolution to Commit Resources for  
Implementing the New Regulations for  
Limiting Fugitive Dust

# Health District

Writing to Your Neighborhood

## MEMORANDUM #18-00

**TO:** DISTRICT BOARD OF HEALTH

**FR:** Michael H. Naylor, *Director, Air Quality Division* *MHN*  
David Rowles, *Director, Administrative Services* *Rowles*  
Donald S. Kwaliok, M.D., *Chief Health Officer* *DJK*

**SJ:** *Resolution to Commit Resources for Implementing the New regulations for Limiting Fugitive Dust.*

**DT:** July 27, 2000

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At last month's public hearings for consideration of adoptions of the dust control regulations (sections 90 to 94) and the revisions to definitions (section 0) and penalties (section 9), the Air Quality Division advised the Board that staffing would need to be increased and that housing and equipment for this additional staff would be needed. In the communications that AQD and Comprehensive Planning staffs have had with EPA, the EPA has asked that the Board commit, through a resolution, to providing the necessary resources; therefore, the draft of such resolution is attached. If approved by the Board, the resolution will be included in the new State Implementation Plan (SIP) for PM<sub>10</sub> which is being prepared now by the Department of Comprehensive Planning. The new SIP should be ready for public comment later this summer. The Resolution anticipates combining the use of three funding sources. County general fund receipts, increased permit fees and (after July 2001) reallocation of budgeted PM Emissions Control Research Advisory Committee dollars. We understand a funding commitment resolution of County dollars will be presented to the County Commission later this summer.

APPROVED-BOARD OF HEALTH

DATE 7/27/00 only

**CLARK COUNTY DISTRICT BOARD OF HEALTH**  
**Resolution to Commit Resources for Implementing**  
**the New Regulations for Limiting Fugitive Dust**  
**RESOLUTION #02-00**

**WHEREAS**, Clark County, Nevada, has been designated as a non-attainment area for PM<sub>10</sub>, and is required to submit a PM<sub>10</sub> SIP for EPA approval; and

**WHEREAS**, the Governor of Nevada has designated the Board of County Commissioners of Clark County as the planning agency for air quality; and

**WHEREAS**, the Board of County Commissioners submitted a PM<sub>10</sub> SIP in 1997 which has received preliminary disapproval from the EPA related to the demonstration of attainment; and

**WHEREAS**, the Board of County Commissioners through its Department of Comprehensive Planning is developing a new SIP to correct the attainment deficiencies which required rules and enforcement at a level capable of achieving and maintaining significant reductions in PM<sub>10</sub>; and

**WHEREAS**, NRS 445B503 requires the Board of Health to work cooperatively with the planning organizations to develop appropriate air quality plans; and

**WHEREAS**, NRS 445B500 has empowered the Clark County Health District Board of Health to promulgate and enforce regulations; and

**WHEREAS**, at the June 22, 2000, Board of Health meeting, the Board promulgated sweeping new regulations to control fugitive dust: Sections 90 [Fugitive Dust for Open Areas and Vacant Lots], 91 [Fugitive Dust From Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads], 92 [Fugitive Dust From Unpaved parking Lots], 93 [Fugitive Dust From Paved Roads and Street Sweeping Equipment], and 94 [Permitting and Dust Control for Construction Activities]; and

**WHEREAS**, the estimated costs for Federal, Local, and private entities to comply with the new sections 91 through 94 is estimated to be on the order of tens of millions of dollars; and

**WHEREAS**, enforcement of these new regulations will require approximately 15 additional enforcement staff to issue permits, perform field audits, carry out enforcement actions, supervise the program, and provide administrative support; and

**RESOLUTION #02-#0**

**WHEREAS**, the funding for this additional personnel and equipment is estimated at approximately \$780,000 for the first year. Staff has identified potential funding sources and is in the process of resolving which are most appropriate, and

**WHEREAS**, this program will provide the five-year commitment to the EPA for dust control, therefore

**BE IT RESOLVED** that the Clark County District Board of Health does approve the hiring, housing and equipping of 15 personnel to fill the positions for enforcement of the new regulations, pending resolution of the most appropriate means of funding these positions.

**FURTHERMORE**, the District approves the workplan attached to the Resolution.

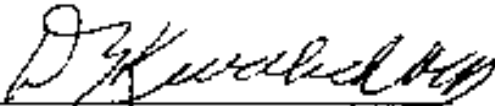
RESOLUTION ADOPTED at the regular meeting of the District Board of Health held July 27, 2000.

**VOTING AYE:**

**VOTING NAY:**

Paula Brown  
Susan Crowley  
Sherry Colquitt, RN  
Jim Christensen, MD  
Amanda Cyphers  
Joseph Hardy, MD  
Paul Henderson  
Mary Kincaid  
Donalene Ravitch, RN  
Stephanie Smith

**ABSENT AND NOT VOTING:**  
Alice Fessenden  
Erin Kenoy  
Gary Reese

  
DONALD S. KWALICK, M.D., MPH  
Chief Health Officer

  
PAULA BROWN, CHAIRMAN  
District Board of Health

**July 11, 2000**  
**Workplan for PM10 Resources Commitment**

This plan will be updated and expanded on an ongoing basis.

**I. Staffing and Organization**

Up to ten more employees will be needed to implement and enforce new regulations 90,91,92, and 93. The working title of the group is DMAP: **Dust Mitigation and Prevention**. The positions will include supervisory, clerical, secretarial and field enforcement officers, as well as a half-time attorney.

Up to five more employees will be added to the existing construction activity enforcement group to implement and enforce the new regulation 94, which replaces and strengthens existing regulations 17 and 41. This will include one person to handle the additional load for issuing dust control permits and an additional clerical person to handle the administration of the dust school. ~~Three~~ additional enforcement officers will be needed.

**II. Housing**

There are several options being evaluated. The original plan was to relocate staff not associated with the fugitive dust regulations from the current AQD building into a rental property. We planned to move approximately 30 persons who are involved with stationary sources: new source review, prevention of significant deterioration, title V operating permits, and compliance/inspections.

Another option being considered by the Board of Health and the Clark County Commission is to consolidate the air quality activities of the Air Quality Division and the Department of Comprehensive Planning into one agency under one roof. This option will be discussed in the next two months.

**III. Funding**

We estimate that we will need \$780,000 for fiscal year 2000/2001. This includes salaries, support equipment, housing and motor vehicles. It does not include administrative support such as human resources, telephones and computers.

We believe the funding can be derived from the PM10 Emission Control Research account, from the general fund, and from a dust permit fee increase of approximately \$15 per acre (from \$90 per acre to \$105).

#### IV. Inspection Strategy

We will use results from the satellite spectral imagery project, which will allow AQD to prioritize areas for inspection. The initial focus areas for inspection will be in the northern parts of the hydrographic basin 212. Areas with soils having a high particulate emission potential will have the highest priority.

We intend to generate a plan of action by August 25, 2000. We estimate that it will take a year to inspect all large parcels owned by federal, state and local agencies, utilities, railroad, and developers. The inspection procedures, test methods, documentation, and monitoring of soil conditions will be time consuming for inspectors. However, we plan to inspect sites from which complaints are generated within one to two business days.

We should have draft standard operating procedures in place by December 2000, assuming the new supervisor is hired by October 2000.

#### V. Enforcement

The AQD has a strict enforcement program for handling construction activities, which is reflected in the proposed amendments that specify a schedule of penalties for violations of section 94 from \$200 to \$10,000.

The violations are heard by Hearing Officers who can make findings of violation and penalty. Presently, five persons are under contract to the Board of Health as Hearing Officers. Decisions of the Hearing Officers can be appealed to the seven-person Hearing Board. The Hearing Board members are appointed by the Board of Health.

Enforcement actions will be taken for violations of sections 90-93. The largest property owners (such as BLM, the state and local governments, large developers, utilities, and Union Pacific Railroad) are already familiar with our enforcement structure.

Minimum penalties have been adopted for violations of sections 90 through 93, but the maximum penalty per day could be \$10,000.

For sections 90-93, owners or responsible parties would initially receive corrective action orders when the AQD discovers non-compliance with



stabilization methods, or, in the case of road paving, when the timelines have been missed.

We may need to change the rules to establish an appeals panel to be convened as necessary; otherwise, appeals of corrective action orders are heard by the Hearing Board on a monthly basis. With some of the larger property owners, EPA could be invited to take joint enforcement action and to re-enforce our initial outreach efforts.

#### VI. Public Outreach and Public Education

We have recently contracted with the UNR Business Education Program to work with small businesses to explain our regulations and to foster compliance. We will be contracting with the Conservation District of Southern Nevada to develop an informational brochure that can be mailed to interested property owners. We will notify all owners of vacant property with a postcard accompanying an upcoming property tax statement mailing.

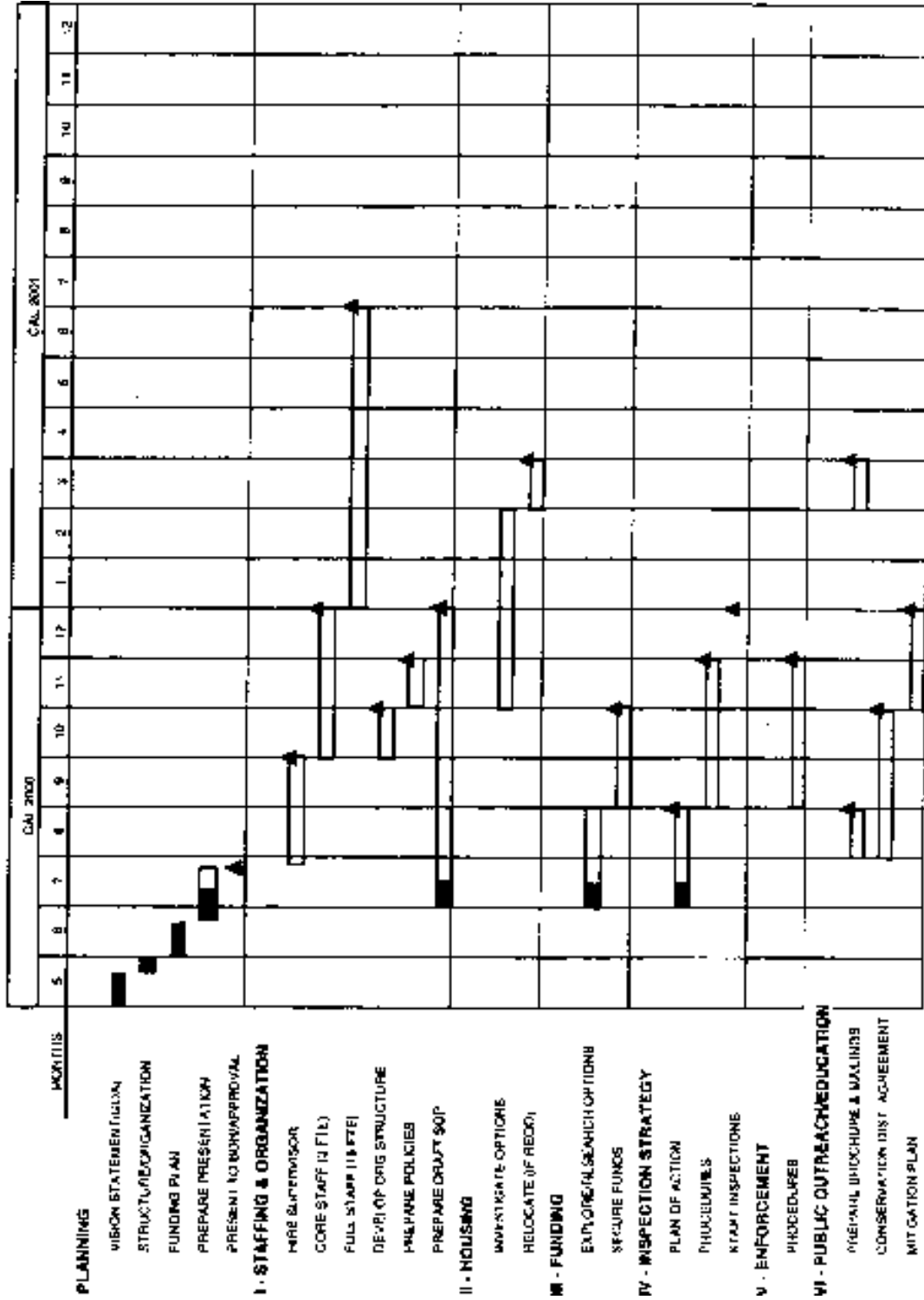
We are developing an arrangement with the Conservation District that would allow them to act as advisors to property owners on how to best respond to a corrective action order and/or how to avoid receiving a corrective action order. In the case of non-responsive property owners who have failed the stabilization tests and are not taking corrective steps, the Conservation District would be able to contract with a vendor to take mitigation measures on a property.

#### VII. Timing and Schedule

We plan to be fully staffed and in appropriate facilities by July 1, 2001. The DMAP supervisor needs to be hired by October 2000. Additional milestones are displayed in the attached chart.

**SCHEDULE - PLANNING AND STAFFING OF DMAP SECTION**

7/12/03



# APPENDIX H

## Clark County Health District (CCHD) Resolutions

### Memorandum #19-00

Resolution Pertaining to Contingency  
Measures for the PM<sub>10</sub> State  
Implementation Plan

**MEMORANDUM #19-00**

**TO: DISTRICT BOARD OF HEALTH**

**FR:** Michael H. Naylor, *Director, Air Quality Division* *MHN*  
David Rowles, *Director, Administrative Services*  
Donald S. Kwalick, M.D., *Chief Health Officer* *DK*

**SJ:** *Resolution Pertaining to Contingency Measures for the PM<sub>10</sub> State Implementation Plan.*

**DT:** July 27, 2000

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The attached resolution has been requested by and prepared by the Department of Comprehensive Planning

The resolution commits the Board of Health to adopting amendments to the current dust control regulations if sufficient PM<sub>10</sub> emissions reductions are not being realized.

We expect the Department to return in a year with specific recommendations from the options presented in the resolution. The regulations would go into effect automatically in 2003 if it is determined that the emission reduction targets in the pending Las Vegas Valley State Implementation Plan for PM<sub>10</sub> are not being met.

Representatives of the Department of Comprehensive Planning will be available at today's meeting to offer additional information if needed.

APPROVED-BOARD OF HEALTH

DATE 7/27/00 *mlg*

**CLARK COUNTY DISTRICT BOARD OF HEALTH**  
**Resolution Pertaining to Contingency Measures**  
**for the Pm<sub>10</sub> State Implementation Plan**  
**RESOLUTION #03-00**

**WHEREAS**, the Las Vegas Valley exceeds National Ambient Air Quality Standards for PM<sub>10</sub> (particulate matter having an aerodynamic diameter of 10 microns or less); and

**WHEREAS**, the Clark County Board of Commissioners, pursuant to the Federal Clean Air Act, has been designated by the Governor of Nevada as the responsible entity for the preparation of State Implementation Plan(s) to attain National Ambient Air Quality Standards; and

**WHEREAS**, the Clark County Health District is the regulatory agency primarily responsible for the adoption and implementation of air pollution control regulations; and

**WHEREAS**, the Clark County Board of Commissioners is preparing a State Implementation Plan for the attainment of PM<sub>10</sub> National Ambient Air Quality Standards at the earliest practicable date; and

**WHEREAS**, contingency measures are required in section 172(c)(a) of the 1990 Clean Air Act Amendments and must become effective without further action by the State or the EPA, upon determination by the EPA that the Las Vegas Valley failed to make reasonable further progress or to attain PM<sub>10</sub> national standards.

**WHEREAS**, a reasonable further progress (RFP) report, documenting PM<sub>10</sub> emissions reductions, is due to be submitted to the EPA no later than November 15, 2003.

**NOW, THEREFORE, BE IT RESOLVED:**

- I. That the following are candidate contingency measures for an assessment of suitability:
  - A. Reducing the site specific dust mitigation plan requirements for construction activities from 10 acres to 5 acres.
  - B. Require paving/stabilization of all unpaved roads with average daily traffic (ADT) equal to or exceeding 100 trips.
  - C. Provide for at least two additional field enforcement officers.
  - D. Increase minimum penalties for violations of air pollution control regulations for fugitive dust.
  - E. Reduce the size threshold for requiring a dust control monitor (coordinator) at construction sites.

**RESOLUTION #03-00**

F. Other measures identified through stakeholder process.

- II.** That the Clark County Department of Comprehensive Planning, in close coordination with the District's Air Quality Division, hold public workshops with public and private sector stakeholders to develop recommendations for the District Board of Health on appropriate contingency measures for the PM<sub>10</sub> State Implementation Plan.
- III.** That the Clark County District Board Health shall adopt one or more of the candidate contingency measures listed above, in accordance with the requirements of section 172(c)(1) of the 1990 Clean Air Act Amendments, no later than July 1, 2001.

RESOLUTION #03-00

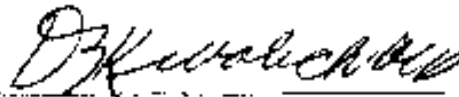
RESOLUTION ADOPTED at the regular meeting of the District Board of Health held July 27, 2000.

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Amanda Cyphers  
Joseph Hardy, MD  
Paul Henderson  
Mary Kincaid  
Donalene Ravitch, RN  
Stephanie Smith  
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VOTING NAY:

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Chief Health Officer

  
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PAULA BROWN, CHAIRMAN  
District Board of Health