

**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMISSION'S SUBCOMMITTEE
ON AIR QUALITY PROGRAMS
IN CLARK COUNTY
(Senate Bill 432; Chapter 529, *Statutes of Nevada 1999*)
October 13, 2000
Las Vegas, Nevada**

The eighth meeting (a Work Session) of the Legislative Commission's Subcommittee on Air Quality Programs in Clark County (S.B. 432) was held on October 13, 2000, at 1 p.m., in Room 4412 - A, B, and C adjoined, of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. This meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Pages 2 through 4 contain the "Meeting Notice and Agenda" for this meeting.

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Jon C. Porter, Sr., Chairman
Senator Dina Titus
Assemblyman Douglas A. Bache
Assemblyman Bob Beers
Assemblyman David R. Parks

SUBCOMMITTEE MEMBER EXCUSED:

Senator Mark A. James

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Donald O. Williams, Chief Principal Research Analyst, Research Division
David S. Ziegler, Principal Research Analyst, Research Division
Eileen G. O'Grady, Principal Deputy Legislative Counsel, Legal Division
Edward A. Johnson II, Deputy Legislative Counsel, Legal Division
Maureen C. Kirkman, Senior Research Secretary, Research Division

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MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission's Subcommittee on Air Quality Programs in Clark County (Senate Bill 432, Chapter 529, *Statutes of Nevada 1999*)

Date and Time of Meeting: Friday, October 13, 2000
1 p.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4412 - A, B, and C adjoined
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Subcommittee may be attending the meeting, and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted at the following location:

Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative website is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

AGENDA

I. Opening Remarks

Senator Jon C. Porter, Sr., Chairman

*II. Approval of Minutes of the September 18, 2000, Meeting

III. Public Testimony

*IV. Presentation of “Final Report, Study of Air Quality Programs in Clark County, Nevada, Pursuant to Senate Bill 432 (Chapter 529, *Statutes of Nevada 1999*),” Dated September 29, 2000, by ENVIRON International Corporation, Contracted Consultant to the S.B. 432 Subcommittee

David R. Souten, Principal Partner
ENVIRON International Corporation

*V. Presentation of Report and Recommendations From Department of Motor Vehicles and Public Safety (DMV&PS) Regarding Its Implementation of the Provisions of S.B. 432 Relating to the Control of Emissions From Motor Vehicles, Including Heavy-Duty Diesel Vehicles in Clark County

Jim Parsons, Administrator, Management Services and Programs Division,
DMV&PS

Russ Benzler, Administrator, Compliance and Enforcement Division, DMV&PS

*VI. Presentation of Proposed Recommendation for a More Effective State Role in Overseeing Local Air Quality Programs in Clark County

Allen Biaggi, Administrator, Nevada’s Division of Environmental Protection

Phil Speight, City Manager, City of Henderson, Nevada
Chairman, Technical Committee, Southern Nevada Regional Planning
Coalition (SNRPC)

*VII. Report From Local Governments in Clark County on Their Proposal to Restructure Existing Air Quality Programs in the County (In Response to S.B. 432 Subcommittee Chairman’s Directive of June 5, 2000)

Phil Speight, City Manager, City of Henderson, Nevada
Chairman, Technical Committee, SNRPC

*VIII. Comments Regarding S.B. 432 Air Quality Study, by the Chairman and Members of the Advisory Committee to the S.B. 432 Subcommittee
Richard B. Holmes, Advisory Committee Chairman

*IX. Work Session - Subcommittee Discussion and Action on Final Recommendations to the 71st Session of the Nevada Legislature

Note: During this portion of the meeting, the Subcommittee members will discuss and take final action on certain recommendations proposed at this and other meetings held during the 1999-2000 legislative interim. These proposals are outlined in a document from which the members will be working when determining final recommendations. A copy of this “Work Session Document” may be obtained from Maureen C. Kirkman, Senior Research Secretary, Research Division, Legislative Counsel Bureau, Carson City; telephone: (775) 684-6825 (toll-free from Las Vegas: 1-800-384-2225; toll-free from other areas of Nevada: 1-800-992-0973) or by connecting to the web page for the Legislative Commission’s Subcommittee on Air Quality Programs in Clark County at [/Interim/Studies/Air](#).

X. Directions to Staff

XI. Additional Public Testimony

XII. Adjournment

*Denotes items on which the Subcommittee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Maureen C. Kirkman at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue.

OPENING REMARKS

Senator Jon C. Porter, Sr., Chairman

Chairman Porter called the eighth meeting (a Work Session) of the Legislative Commission's Subcommittee on Air Quality Programs in Clark County to order at 1:15 p.m.

APPROVAL OF MINUTES OF THE SUBCOMMITTEE'S SEPTEMBER 18, 2000, MEETING HELD IN LAS VEGAS, NEVADA

ASSEMBLYMAN PARKS MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2000, MEETING, AS AMENDED. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

PUBLIC TESTIMONY

Robert W. Hall

Robert W. Hall, President, Nevada Environmental Coalition, Inc., Las Vegas, Nevada, briefly commented on three air quality issues at the Subcommittee meeting:

1. The comparison of two particulate matter (PM) 10 State Implementation Plans (SIPs);
2. A letter (Exhibit A and Recommendation No. 17 of the Subcommittee's "Work Session Document" [Exhibit F]) to Senator Jon C. Porter, Sr., from Eileen G. O'Grady, Principal Deputy Legislative Counsel, Legislative Counsel Bureau (LCB), Carson City, Nevada, dated October 6, 2000; and
3. A memorandum (Exhibit B and Recommendation No. 16 of the Subcommittee's "Work Session Document" [Exhibit F]) to Dr. Donald S. Kwalick, Chief Health Officer, Clark County Health District (CCHD), Las Vegas, from Joel Moskowitz, Investigator, Clark County District Attorney's Office, Las Vegas, dated September 20, 2000.

PRESENTATION OF "FINAL REPORT, STUDY OF AIR QUALITY PROGRAMS IN CLARK COUNTY, NEVADA, PURSUANT TO SENATE BILL 432 (CHAPTER 529, STATUTES OF NEVADA 1999)," DATED SEPTEMBER 29, 2000, BY ENVIRON INTERNATIONAL CORPORATION, CONTRACTED CONSULTANT TO THE S.B. 432 SUBCOMMITTEE

David R. Souten

David R. Souten, Principal Partner, ENVIRON International Corporation (ENVIRON), presented its Final Report (Exhibit C), titled "Study of Air Quality Programs in Clark County, Nevada, Pursuant to Senate Bill 432 (Chapter 529, *Statutes of Nevada 1999*)," dated September 29, 2000.

SENATOR TITUS MOVED FOR APPROVAL OF THE ENVIRON INTERNATIONAL CORPORATION'S FINAL REPORT, DATED SEPTEMBER 29, 2000. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

ASSEMBLYMAN BACHE MOVED TO APPROVE THE SUBMISSION OF ENVIRON INTERNATIONAL CORPORATION'S FINAL REPORT TO THE LEGISLATIVE COMMISSION

ON DECEMBER 11, 2000. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

Additionally, Mr. Souten addressed the following Clark County air quality issues as outlined within the ENVIRON reports:

- Adoption of regional PM and fugitive dust rules;
- Development of interlocal agreement “alternative-process” recommendations;
- Involvement of the United States Department of the Interior’s Bureau of Land Management (BLM), and the United States Environmental Protection Agency (USEPA) in its air quality planning process; and
- Concerns regarding Clark County’s implementation of the state’s inspection and maintenance (I/M) program for motor vehicles.

In conclusion, Mr. Souten offered ENVIRON’s final report as a resource document in future legislative air quality discussions. Please see Exhibit C for further details of Mr. Souten’s presentation.

PRESENTATION OF REPORT AND RECOMMENDATIONS FROM DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY (DMV&PS) REGARDING ITS IMPLEMENTATION OF THE PROVISIONS OF S.B. 432 RELATING TO THE CONTROL OF EMISSIONS FROM MOTOR VEHICLES, INCLUDING HEAVY-DUTY DIESEL VEHICLES IN CLARK COUNTY

Jim Parsons

Jim Parsons, Administrator, Management Services and Programs Division, Department of Motor Vehicles and Public Safety (DMV&PS), Carson City, commented on the direction of S.B. 432, which “directs the Legislative Commission to conduct an interim study of certain air quality control programs, and the DMV&PS to implement certain programs of air quality control.” Further, Mr. Parsons identified departmental priorities as tracking test data from individual surface street acceleration inspections, and conducting and observing performances of visual surface street inspections.

Russ Benzler

Russ Benzler, Administrator, Compliance and Enforcement Division, DMV&PS, Carson City, referenced a document titled “Heavy-Duty Diesel Surface Street Inspections,” (Exhibit D), and reported that the DMV&PS inspection program (as of October 2000) found a 2.4 percent failure rate of heavy-duty diesels operating on the road, which is a significant reduction from statistics reported in the 1999 Legislative Session. Additionally, Mr. Benzler noted that repair costs to enforce program compliance averaged \$704 per vehicle, and summarized the following recommendations for heavy-duty diesel vehicles:

1. Expand the surface street opacity enforcement program, implemented as a result of S.B. 432, to include gasoline-powered vehicles emitting visible smoke on the highways and surface streets in the Las Vegas Valley;
2. Re-evaluate the current opacity standards for heavy-duty diesel vehicles within the Las Vegas Valley to determine whether significant air quality benefits would be realized by adopting lower opacity points, as recommended by the USEPA in 1999; and
3. Do not pursue the annual emission testing of heavy-duty diesel vehicles because of the low (2.4 percent) failure rate.

ASSEMBLYMAN PARKS MOVED TO INCLUDE RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLE AND PUBLIC SAFETY AS STATEMENTS IN THE SUBCOMMITTEE’S FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

A discussion ensued among Senator Titus, Assemblyman Parks, and Mr. Benzler concerning opacity standards and emission citations/penalties for out-of-state vehicles.

PRESENTATION OF PROPOSED RECOMMENDATION FOR A MORE EFFECTIVE STATE ROLE IN OVERSEEING LOCAL AIR QUALITY PROGRAMS IN CLARK COUNTY

Allen Biaggi

Allen Biaggi, Administrator, Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, Carson City, provided members with a list of recommendations to increase the State's role in air quality planning and regulatory programs (Exhibit E), which include:

- Implement alternative fuels program;
- Develop incentive programs of high-emitting vehicle repairs;
- Coordinate assessment of and recommendations regarding funding needs for air pollution control programs in Nevada;
- Conduct air quality program audits or assign responsibility to a local air agency for air quality program audits; and
- Designate the State as responsible for setting regional haze standards.

Concluding, Mr. Biaggi listed administrative initiatives, which do not require legislation, to increase the State's role in overseeing air quality programs in Clark County (Exhibit E):

- Perform an evaluation of and make recommendations regarding the use of dust suppressants;
- Create an air quality forum;
- Enhance responsibility for setting vehicle emissions standards;
- Develop a training program within higher educational institutions for air quality professionals;
- Increase participation in SIP development; and
- Commit to membership and participation on air quality program technical boards and committees.

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**REPORT FROM LOCAL GOVERNMENTS IN CLARK COUNTY ON THEIR PROPOSAL TO RESTRUCTURE
EXISTING AIR QUALITY PROGRAMS
IN THE COUNTY (IN RESPONSE TO S.B. 432 SUBCOMMITTEE
CHAIRMAN'S DIRECTIVE OF JUNE 5, 2000)**

Phil Speight

Phil Speight, City Manager, City of Henderson, Nevada, and Chairman, Technical Committee, Southern Nevada Regional Planning Coalition (SNRPC), discussed the state's role in air quality issues.

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Mr. Speight further discussed how local governments have been working over the past 90 days in an effort to develop a proposal to meet the air quality agency restructuring criteria as set forth by the Subcommittee. Additionally, Mr. Speight commented on action taken by the Board of Clark County Commissioner's to adopt/approve the carbon monoxide and PM10 SIPs prior to emphasizing its key components.

Continuing, Mr. Speight addressed the SNRPC activities noting that local governments which encompass the County of Clark; Cities of Las Vegas, Henderson, and North Las Vegas, Nevada; the CCHD; and the Regional Transportation Commission (RTC), have adopted an interlocal agreement. Further, he noted that the transitional management committee has been placed into effect, which will report to the SNRPC as its elected body in preparing a plan for creating the upcoming integrated air quality agency.

Mr. Speight discussed the requirements of a Request for Proposal (RFP) concerning the new air quality agency and noted that a private contractor/consultant would be required to provide the following information to the SNRPC:

- Associated cost factors;
- Establishment of the director's position; and

- Consolidation of two air quality agency fleets, location, and staff.

A further discussion ensued among Chairman Porter, Senator Titus, and Mr. Speight concerning:

- The hiring of an attorney at the SNRPC with an expertise in federal regulations;
- Working closely with NDEP on enhanced state roles;
- The CCHDs implementation of an RFP to conduct a management study of its Air Pollution Control Division;
- The recent appointment of Christine Robinson to the position of Director, Air Pollution Control Division, CCHD, Las Vegas;
- Clark County Health District operations remaining “status quo” under new leadership while the SNRPC is working on the new air quality agency plan; and
- A recently televised meeting involving members of the CCHD wherein Erin Kenny, Vice Chair, Clark County Board of Commissioners, Las Vegas, expressed an interest in developing the new air quality agency including the selection of an executive director.

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**COMMENTS REGARDING S.B. 432 AIR QUALITY STUDY, BY THE CHAIRMAN AND MEMBERS OF THE
ADVISORY COMMITTEE TO THE
S.B. 432 SUBCOMMITTEE**

Richard B. Holmes

Richard B. Holmes, Assistant County Manager, Office of the County Manager, Clark County, and S.B. 432 Advisory Committee Chairman, briefly expressed the committee’s appreciation for its involvement in matters of the S.B. 432 Subcommittee, i.e., selection of the consultant and designing its scope of work, while assisting the legislative and technical staff in working together as a team. Further, Mr. Holmes thanked the LCB staff for its time rendered on air quality related issues.

**WORK SESSION - SUBCOMMITTEE DISCUSSION AND ACTION ON FINAL RECOMMENDATIONS TO THE
71ST SESSION OF THE NEVADA LEGISLATURE**

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WORK SESSION DOCUMENT
October 13, 2000

**LEGISLATIVE COMMISSION’S SUBCOMMITTEE ON AIR QUALITY PROGRAMS IN CLARK COUNTY
(Senate Bill 432 [Chapter 529, *Statutes of Nevada*])**

[This “Work Session Document” presented as Exhibit F], contains a summary of most of the major recommendations that have been presented in public hearings and correspondence during the course of the study. Organized by topic headings, it is designed as a working document to assist the members of the Subcommittee in making decisions during the Work Session. The primary recommendations contained in this document are those presented in the “Final Report, Study of Air Quality Programs in Clark County, Nevada, Pursuant to Senate Bill 432 (Chapter 529, *Statutes of Nevada 1999*),” dated September 29, 2000, submitted by ENVIRON International Corporation [ENVIRON] the consultant hired by the Subcommittee to conduct a study of the air quality in Clark County.

The possible recommendations listed in this document do not necessarily have the support or opposition of the Subcommittee. These proposals are simply compiled and organized so that the members may review them to decide if they should be adopted, changed, rejected, or further considered. The source of each recommendation is noted in parentheses. Any recommendations adopted by the Subcommittee will be submitted to the Legislative Commission for consideration. The recommendations will be highlighted in the Subcommittee’s report, and any recommendations for legislation will be included in the report as BDRs. The report will be made to the 2001 Session of the Nevada Legislature.

Under the provisions of S.B. 432, recommendations for legislation proposed by the Subcommittee must be approved by a majority vote of the Senators on the Subcommittee and a majority vote of the Assembly members on the Subcommittee. Subsection 3 of *Nevada Revised Statutes* (NRS) 218.2429 provides that a legislative committee created by the Legislature to

conduct an interim study may request the drafting of not more than ten legislative measures, which relate to matters within the scope of the study, before the commencement of a regular legislative session.

The recommendations contained in the "Work Session Document" are listed below in italics and precede the actions of the committee.

RECOMMENDATIONS CONCERNING GOVERNMENTAL ROLES AND RESPONSIBILITIES

Local Governmental Roles and Responsibilities in Clark County

1. *Draft and enact legislation to establish a single, accountable air pollution control authority in Clark County. The authority would be responsible for air pollution-related functions including compliance, data management, laboratory, planning, public outreach, and research.*
 - a. *Membership. The board of the authority would have an odd number of nine or fewer members, serving staggered terms of two- to four-years, and would elect its own chairperson. A majority of the board would be state or local elected officials. The composition of the board (as suggested by ENVIRON, but with clarifications and modifications provided by Subcommittee staff) is:*
 - *Two members who are elected officials of cities in Clark County, selected on a rotating basis by the city councils of the three largest cities in Clark County;*
 - *One member who is the chair of the Clark County Board of Commissioners;*
 - *The administrator of Nevada's Division of Environmental Protection (NDEP) or his designee;*
 - *One member who is an elected official and a member of the Regional Transportation Commission of Clark County (RTC), selected by the RTC;*
 - *One member with experience in air pollution control or environmental management who is a resident of Clark County, appointed by the Legislative Commission;*
 - *One member representing the public who is a resident of Clark County, appointed by the Governor; and*
 - *Two members who are residents of Clark County, representing regulated categories of industry or business, appointed by the Governor.*
(ENVIRON Final Report, Chapter 1, p.1-14; and Chapter 5, pp. 5-1, 5-28 and 5-34.)
 - b. *Staff. The authority would be administered by an executive director, selected through a national recruiting effort and serving at the pleasure of the board. The authority would have a full-time, in-house staff counsel. (ENVIRON Final Report, Chapter 1, p. 1-14; and Chapter 5, pp. 5-1; 5-33. See also suggested organization chart at pp. 1-15 and 5-32.)*
 - c. *Hearing Board. A seven-member hearing board, similar to the one in existence today, would report to the board of the local air quality authority and consider abatement orders, appeals, permit revocations, and variances. One member of the hearing board would be required to be a medical doctor. (ENVIRON Final Report, Chapter 5, p. 5-34.) This recommendation would be implemented by amending the statutes governing the creation, membership, and terms of such local hearing boards in any county with a population of 400,000 or more.*

The Subcommittee took no action on Recommendation No. 1.

2. *Include a statement in the Subcommittee's final report recommending the following actions if a new local air quality agency is established in Clark County:*
 - a. *A professional management consultant be employed to orchestrate the actual organizational setup of the new agency, as well as such employee issues as continuing health insurance coverage and achieving salary parity. (ENVIRON Final Report, Chapter 5, p. 5-1.) The consultant should also propose a three- to five-year budget plan. (ENVIRON Final Report, Chapter 5, p. 5-35.)*

- b. *Clark County's air pollution control board established under existing statutes and the Clark County Code should be terminated when the new agency is established. (ENVIRON Final Report, Chapter 5, p. 5-29.) Moreover, the statement should recommend that the new agency include a combination of the current split responsibilities of the Clark County Health District's Air Quality Division and Clark County's air quality team in the Department of Comprehensive Planning. (ENVIRON Final Report, Chapter 5, p. 5-31.)*
- c. *The new agency should facilitate the following matters (ENVIRON Final Report, Chapter 1, p. 1-15):*
- *Improved working conditions for air management professionals;*
 - *Improved equity in salaries;*
 - *Improved communications, public access to data, and public outreach; and*
 - *Improved training of technical and support staff.*

(ENVIRON Final Report, see discussion in Chapter 5, pp. 5-37, and 5-43.)

3. *(Alternative to all or part of Recommendation No. 1) Include a statement in the Subcommittee's final report directing local governmental agencies in Clark County (Clark County Board of Commissioners, Clark County Board of Health, City of Boulder City, [Nevada], City of Henderson, City of Las Vegas, City of North Las Vegas, City of Mesquite, [Nevada], and the RTC of Clark County) to continue to work with the Southern Nevada Regional Planning Coalition (SNRPC) and follow through on interlocal agreements to restructure existing air quality programs and submit, for introduction in the 2001 Legislative Session, a detailed proposal for legislation to create a new regional air quality authority ("The Southern Nevada Air Quality Management Authority"). Further direct these local governmental agencies to consider the various recommendations made in Chapter 5, "Governmental Roles and Responsibilities for Air Quality Programs in Clark County, Nevada," of the Final Report submitted by ENVIRON International Corporation on September 29, 2000.*

Draft and enact legislation to implement the local governments' proposal to restructure the air quality programs in Clark County in accordance with the work of the SNRPC and the interlocal agreements.

(This recommendation is based on Clark County local governments' response to directions given by Senator Jon C. Porter, Sr., S.B. 432 Subcommittee Chairman, at the Subcommittee meeting on June 5, 2000; details of work in progress on local governments' proposal submitted by SNRPC representatives at Subcommittee meetings on July 10, August 7, and September 18, 2000.)

At this time, Chairman Porter reviewed Recommendation Nos. 1, 2, and 3 with the Subcommittee members and pointed out that by choosing Recommendation No. 3, Recommendation No. 1 would not need to be enacted or vice versa. Further, he noted that Recommendation No. 2 would be a statement from the Subcommittee. Chairman Porter then confirmed with Mr. Speight that the language in Recommendation No. 3 (as written in the Subcommittee's "Work Session Document") was adequate to finalize and additionally reflected the local government's activity with the SNRPC.

Christine Robinson

Christine Robinson, previously identified in these minutes, discussed with Chairman Porter the interim responsibilities of the SNRPC, and concerns for the morale and transition of the CCHD employee's in forming a new air quality agency. Further, Ms. Robinson discussed the contents of her handout (Exhibit G) titled "Management Organizational Study Objectives and Scope of Work for the Clark County Health District Air Quality Division Request for Proposals," with the Subcommittee.

Please see Exhibit G for further details of Ms. Robinson's presentation.

ASSEMBLYMAN BEERS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 2 IN ITS ENTIRETY AND THE FIRST PARAGRAPH OF RECOMMENDATION NO. 3 AS STATEMENTS TO BE INCLUDED IN THE SUBCOMMITTEE'S FINAL REPORT. ADDITIONALLY, ADOPT THE SECOND PARAGRAPH OF RECOMMENDATION NO. 3 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE.

Discussion of the motion included Senator Titus who spoke in favor of Recommendation No. 3 rather than Recommendation No. 1. She expressed her opinion that Recommendation No. 2 should be additionally included in the Subcommittee's report. Further, Senator Titus noted that the recommended language "draft and enact the proposal to restructure in accordance with the work," was too definitive. Donald O. Williams, Chief Principal Research Analyst, LCB, Carson City,

suggested that the word “enact” be eliminated from the language. Additionally, Assemblyman Parks interjected to request that the bill’s language “in accordance with” be changed to “consistent with.”

Chairman Porter and Senator Titus recommended that the Subcommittee be reconstituted during the 2001 Legislative Session to ensure coordination between the “thought process” of the Subcommittee and the SNRPC. Chairman Porter mentioned that this process would enable the Subcommittee to work in cooperation with the SNRPC concerning the final proposed restructuring language.

THE MAKER AND THE SECOND OF THE MOTION AGREED TO AMEND THE SECOND PARAGRAPH OF RECOMMENDATION NO. 3 BY ELIMINATING THE WORD “ENACT,” AND CHANGE THE LANGUAGE “IN ACCORDANCE WITH” TO “CONSISTENT WITH.” FURTHER, THAT THESE RECOMMENDATIONS BE ADOPTED AS AMENDED (INCLUDING THE RECOMMENDATION FOR RECONSTITUTING THE SUBCOMMITTEE DURING SESSION). UPON THE CALL OF A MOTION AND A SECOND, THE MOTION CARRIED UNANIMOUSLY.

State Roles and Responsibilities

4. *Urge, by letter, the Governor to enhance the role of the State of Nevada in assuring the timely submittal of air quality plans to the United States Environmental Protection Agency (USEPA) (Based on recommendations in ENVIRON’s Final Report, Chapter 1, p. 1-15; and Chapter 5, p. 5-38), as follows:*
- *The State of Nevada, including NDEP and the Department of Motor Vehicles and Public Safety (DMV&PS), should provide increased oversight and technical assistance to the local air quality agencies in Clark County; (ENVIRON Final Report, Chapter 5, p. 5-38); [and]*
 - *The NDEP and the DMV&PS should continue to work together on inspection and maintenance (I/M) programs for motor vehicles, and should be accountable for the emission reduction goals set in the State Implementation Plan (SIP). The NDEP should take the lead on monitoring program effectiveness and initiating necessary changes. The DMV&PS should continue to administer and enforce the I/M program, provide data and information, comment on proposed SIP revisions affecting I/M, and suggest design changes. (ENVIRON Final Report, Chapter 5, p. 5-39.)*

The Subcommittee took no action on Recommendation No. 4.

5. *Draft and enact legislation to require the following:*
- *That the State Department of Conservation and Natural Resources (SDCNR)/NDEP: (1) be actively involved in developing, reviewing, and approving SIP revisions; (2) monitor the timetable for major federal Clean Air Act (CAA) requirements and Clark County’s progress on them; (3) be a party to SIP development to the extent that state control measures are part of the SIPs control strategy; and (4) comment on draft SIP revisions and testify before the board of the recommended single agency during the adoption process; (Based on recommendation in ENVIRON Final Report, Chapter 5, pp. 5-38 and 5-39) [and]*
 - *That the State Environmental Commission: (1) serve as the formal decision-making body, acting on staff reviews and recommendations; (2) formally approve SIP revisions for submittal to USEPA; and (3) have the authority to remand SIP revisions to the local air quality authority in Clark County for revisions. (Based on recommendation in ENVIRON’s Final Report, Chapter 5, p. 5-39.)*

SENATOR TITUS MOVED TO ADOPT THE FIRST PARAGRAPH OF RECOMMENDATION NO. 5 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

6. *Draft and enact legislation amending Chapter 445B of NRS to require SDCNR/NDEP to conduct a biennial evaluation of air quality programs in Clark County. The audit may be conducted by an independent contractor selected by SDCNR/NDEP through a request for proposal (RFP) process and would include a detailed evaluation of the county’s ambient air monitoring, permitting, compliance, enforcement, and planning programs. The legislation would require that SDCNR/NDEP, in consultation with the USEPA and the local air quality agency in Clark County, develop specific evaluation and adequacy criteria to be used by the contractor to ensure a consistent and comprehensive review.*

The legislation would amend NRS 445B.520 to require the State Environmental Commission to establish criteria for evaluating the adequacy of local air quality programs and make a formal adequacy determination based on the results

of the audit. Should inadequacies be found, the Commission would be required to establish the corrective measures that need to be taken. In addition, the legislation would require that a report containing the contractor's original report including any issues identified, the adequacy determination, corrective measures, and time lines, as necessary, be prepared by the Commission (SDCNR/NDEP) and provided to the Legislature. (Allen Biaggi, NDEP, September 18, 2000.)

ASSEMBLYMAN BACHE MOVED TO ADOPT LANGUAGE FROM RECOMMENDATION NO. 6 AS A BILL DRAFT REQUEST REQUIRING THE STATE ENVIRONMENTAL COMMISSION TO ESTABLISH CRITERIA FOR EVALUATING THE ADEQUACY OF LOCAL AIR QUALITY PROGRAMS IN CLARK COUNTY AND MAKE A FORMAL ADEQUACY DETERMINATION BASED ON THE RESULTS OF THE AUDIT. THE LEGISLATION WOULD REQUIRE THAT A REPORT BE PREPARED BY THE COMMISSION, NEVADA'S DIVISION OF ENVIRONMENTAL PROTECTION, AND THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES AND PROVIDED TO THE LEGISLATURE AT THE BEGINNING OF THE 2003 LEGISLATIVE SESSION AND EACH SUBSEQUENT SESSION. FURTHER, THAT THIS RECOMMENDATION BE ADOPTED AS AMENDED. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

7. *(Alternative to all or part of Recommendation No. 6) Draft and enact legislation to require any local air quality agency authorized in a county with a population of 400,000 or more to complete a biennial audit and submit the audit report to the Legislature. (Based on comments and suggestions made by Senators Mark A. James and Jon C. Porter, Sr., September 18, 2000.)*

The Subcommittee took no action on Recommendation No. 7.

8. *Include a statement in the final report recommending the creation of an Air Quality Forum and NDEP participation in any advisory committees created by the local air quality agency in Clark County.*
- An Air Quality Forum, modeled after the Lake Mead Water Quality Forum, would be created to address air quality issues, coordinate research efforts, and share air quality information within the region. The forum, led by NDEP, would consist of representatives of the Clark County Board of Commissioners; Clark County Board of Health; the Cities of Boulder City, Henderson, Las Vegas, North Las Vegas, and Mesquite; Nevada's Department of Transportation (NDOT); the RTC; the DMV&PS; the State Department of Agriculture; USEPA; the University and Community College System of Nevada; and the public. This forum would be created and begin meeting immediately after the end of the 2001 Legislative Session. Meetings would be held at least quarterly; [and]*
 - If the local air quality agency in Clark County establishes technical or other advisory committees to provide support to the agency, a NDEP staff member should participate on those committees, as appropriate. (Allen Biaggi, NDEP, September 18, 2000.)*

The Subcommittee took no action on Recommendation No. 8.

Federal Relationship

Mr. Williams reviewed Recommendation No. 9:

9. *Include a statement in the Subcommittee's final report recommending improving the relationships between Clark County's air pollution control program and the USEPA (ENVIRON Final Report, Chapter 1, p. 1-15) as follows:*
- The organization of the local air quality agency in Clark County should include a federal/state liaison officer; (ENVIRON Final Report, Chapter 5, p. 5-33) [and]*
 - Regular meetings between staff of the local air quality agency in Clark County and the USEPA, Region IX, should continue, in order to minimize policy disagreements, solicit timely federal comments, and obtain federal technical assistance. (ENVIRON Final Report, Chapter 5, p. 5-42.)*

ASSEMBLYMAN BACHE MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 9 IN ITS ENTIRETY AS A STATEMENT TO BE INCLUDED IN THE SUBCOMMITTEE'S FINAL REPORT. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

Mr. Williams reviewed Recommendation No. 10:

10. *Urge, by resolution, that Congress require the federal Bureau of Land Management, the United States Department of the Interior (BLM) and USEPA to work more closely to assure that the BLM addresses state and county regulations contained in the various SIPs. Congress should also require BLM to clearly identify the air quality impacts in the environmental impact statements concerning proposed land sales. (Based on recommendation in ENVIRON's Final Report Chapter 5, p. 5-42.)*

Furthermore, include a statement in the Subcommittee's final report recommending that BLM should be represented on any local air quality agency's technical advisory committee. (ENVIRON Final Report, Chapter 5, p. 5-43.)

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT THE FIRST PARAGRAPH OF RECOMMENDATION NO. 10 AS A BILL DRAFT REQUEST AND INCLUDE THE SECOND PARAGRAPH AS A STATEMENT IN THE SUBCOMMITTEE'S FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN PARKS AND CARRIED UNANIMOUSLY.

RECOMMENDATIONS CONCERNING FUNDING REQUIREMENTS FOR AIR QUALITY PROGRAMS IN CLARK COUNTY

Mr. Williams reviewed Recommendation No. 11:

11. *Include a statement in the Subcommittee's final report recommending that enforcement penalties be increased to a level closer to the norm in other large and growing local air pollution programs. (ENVIRON Final Report, Chapter 1, p. 1-13.)*

ASSEMBLYMAN PARKS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 11 IN ITS ENTIRETY AS A STATEMENT TO BE INCLUDED IN THE SUBCOMMITTEE'S FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

At this time, Chairman Porter asked Michael Sword, Assistant Director, Air Pollution Control Division, CCHD, Las Vegas, if its recently passed regulations had been addressed. Mr. Sword responded to Chairman Porter by confirming that regulations had been addressed and additionally noted that there had been increases in the CCHD penalty structure with respect to violations related to PM10. Chairman Porter requested that Mr. Sword supply the Subcommittee and LCB staff with copies of its regulations in the near future.

Mr. Williams reviewed Recommendation No. 12:

12. *Urge, by resolution, the local air quality agency in Clark County, or the proposed Air Quality Forum (see Recommendation No. 8), to study additional revenue sources for air quality programs in Clark County (Based on recommendations in ENVIRON's Final Report, Chapter 1, p. 1-13.)*

The Subcommittee took no action on Recommendation No. 12.

RECOMMENDATIONS CONCERNING STATE INCENTIVES FOR ALTERNATIVE FUELS

Mr. Williams reviewed Recommendation Nos. 13 and 14:

13. *Draft and enact legislation to establish an Arizona-style program of providing incentives for the sale and use of alternative fuels. Two possible legislative options, both including the creation of a "Clean Air Fund," are presented in the attached document, "Alternative Fuel Incentives: Options for Nevada," dated October 2000, by James M. Brandmueller, Ph.D., Transportation Projects Manager, Nevada State Energy Office, [Nevada's Department of Business and Industry, Carson City]. (James Brandmueller, [Ph.D], Nevada State Energy Office, October 2, 2000; in response to request from S.B. 432 Subcommittee on September 18, 2000.)*

The Subcommittee took no action on Recommendation No. 13.

James M. Brandmueller, Ph.D

James M. Brandmueller, Ph.D., previously identified in these minutes, presented a handout titled "Alternative Fuel Incentives: Options for Nevada" (Exhibit H), and reviewed current air quality operations conducted in the State of Arizona.

14. (Alternative to all or part of Recommendation No. 13) Draft and enact legislation to accomplish the following:

- *Limit the State of Nevada's list of alternative fuels to those recognized by the USEPA;*
- *Provide state agencies with the additional funds necessary to purchase alternative fuel vehicles and fueling facilities;*
- *Eliminate Nevada's fuel tax on natural gas and liquefied petroleum gas (LPG); and*
- *Allow Clark and Washoe Counties to exempt alternative fuel vehicles from all privilege taxes.*

(Jay Taylor, Southwest Gas Corporation, July 10, 2000.)

Although the Subcommittee took no action on Recommendation No. 14, it did take the following action:

ASSEMBLYMAN PARKS MOVED THAT THE SUBCOMMITTEE REQUIRE NEVADA'S DIVISION OF ENVIRONMENTAL PROTECTION, THE NEVADA STATE ENERGY OFFICE, AND LOCAL GOVERNMENTS, IN COORDINATION WITH EACH OTHER, TO STUDY AND MAKE RECOMMENDATIONS REGARDING STATE INCENTIVES FOR THE SALE AND USE OF ALTERNATIVE FUELS IN NEVADA. ADDITIONALLY, THESE AGENCIES SHOULD REPORT THEIR FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE BY APRIL 1, 2001. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

MISCELLANEOUS RECOMMENDATIONS

Mr. Williams reviewed Recommendation No. 15:

15. *Direct, by resolution, the local air quality agency in Clark County to review and consider implementing the recommendations in ENVIRON's Final Report, particularly those recommendations addressing the following topics:*

- *Air Pollution Emission Inventories;*
- *Air Quality Monitoring;*
- *Control Measure Needs Assessment;*
- *Emission Reductions Credit (ERC) Program;*

- *Enforcement of Regulations;*
- *Fugitive Dust Rules; and*
- *Research Coordination and Priorities.*

Request the agency to submit a report to the 2003 Legislative Session on how it has addressed these recommendations. (Based on various recommendations by ENVIRON.)

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE AMEND RECOMMENDATION NO. 15 BY REQUIRING THAT ON OR BEFORE FEBRUARY 1, 2001, THE LOCAL GOVERNMENTS IN CLARK COUNTY SHOULD SUBMIT A REPORT TO THE LEGISLATURE REFLECTING ITS INTENTIONS IN ADDRESSING THE ENVIRON RECOMMENDATIONS. FURTHER, THAT THIS RECOMMENDATION BE INCLUDED AS A STATEMENT IN THE SUBCOMMITTEE'S FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

Mr. Williams reviewed Recommendation No. 16:

16. Direct, by letter or resolution, the appropriate federal (USEPA), state (NDEP or the Legislative Auditor), or local (governing bodies of local governments in Clark County) agencies to initiate an independent audit of the ERC Program operated by the Air Quality Division of the Clark County Health District [CCHD]. (Based on information or recommendations by various persons testifying before the S.B. 432 Subcommittee, including, among others, Robert W. Hall, [President], Nevada Environmental Coalition, [Inc., Las Vegas], August 7, 2000; also based on recommendation in report, dated September 20, 2000, from Joel Moskowitz, Investigator, Clark County District Attorney's Office, [Las Vegas] [copy attached]).

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE AMEND RECOMMENDATION NO. 16 BY REQUIRING THAT A MANAGEMENT ORGANIZATIONAL STUDY BE PERFORMED BY THE CLARK COUNTY HEALTH DISTRICT AND THE SOUTHERN NEVADA REGIONAL PLANNING COMMISSION AND PRESENTED TO THE 2001 LEGISLATIVE SESSION BY FEBRUARY 1, 2001, AND PROVIDE A REPORT TO THE LEGISLATIVE COMMISSION IN DECEMBER 2000. ADDITIONALLY, PROVIDE A WRITTEN REPORT REGARDING THE EMISSION REDUCTIONS CREDIT PROGRAM. FURTHER, THAT THIS RECOMMENDATION, AS AMENDED, BE INCLUDED AS A STATEMENT IN THE SUBCOMMITTEE'S FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE.

Chairman Porter clarified the purpose of the recommendation is for the CCHD and SNRPC to perform and prepare a management organizational study by February 1, 2001, and provide a status report to the Legislative Commission. Further, they should perform an audit on the ERC program and provide an update to the Legislative Commission in December 2000, reflecting its status. He stated that both the study and audit would need to be performed by a qualified, independent auditing firm that specializes in these areas. Further, the firm would then make its findings available to the Subcommittee, as reconstituted during the 2001 Legislative Session.

Mr. Williams reminded the Subcommittee of Assemblyman Beers' suggestion that the independent auditor conducting the audit of the ERC Program be someone or a firm that has not previously worked under contract to the CCHD.

UPON THE CALL OF A MOTION (INCLUDING SENATOR PORTER'S DIRECTIONS AND ASSEMBLYMAN BEERS' SUGGESTION) AND A SECOND, THE MOTION CARRIED UNANIMOUSLY.

Mr. Williams reviewed Recommendation No. 17:

17. *Draft and enact legislation to amend the provisions of Chapter 445B of NRS to specifically authorize, or to specifically prohibit, the establishment and operation of an ERC program and the assessment of any accompanying fees by a local air pollution control agency. (Based on information or recommendations by various persons testifying before [the] S.B. 432 Subcommittee, including, among others, Robert W. Hall, [President], Nevada Environmental Coalition, [Inc., Las Vegas], August 7, 2000; comments and suggestions from Senator Dina Titus and other members of the S.B. 432 Subcommittee; and a legal opinion, dated October 6, 2000, from Eileen G. O'Grady, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau, [Carson City], [copy attached]).*

Discussion of the motion included Senator Titus and Mr. Williams who clarified the Subcommittee's intent to remove the language "or to specifically prohibit" from the recommendation.

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE AMEND AND ADOPT RECOMMENDATION NO. 17 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN PARKS AND CARRIED UNANIMOUSLY.

Mr. Williams reviewed Recommendation No. 18:

18. *Draft and enact legislation to extend the existing statutory whistleblower protection, which is now provided only to state employees (NRS 281.611 to 281.671), to local government employees. This legislation would provide that no retaliatory action may be taken against such an employee for reporting improper governmental action. (Based on comments or suggestions from Senators Porter and Titus.)*

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 18 IN ITS ENTIRETY AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE.

Discussion of the motion included Mr. Speight who clarified with Chairman Porter that the term "local government" meant that the Subcommittee was proposing legislation that would affect all local government in addition to the CCHD. Assemblyman Parks pointed out that some local governments already have such provisions and others may want to adopt stricter provisions. He suggested that the recommendation allow local governments to provide additional protection.

UPON THE CALL OF THE MOTION AS AMENDED (INCLUDING ASSEMBLYMAN PARKS' SUGGESTION) AND A SECOND, THE MOTION CARRIED UNANIMOUSLY.

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**RECOMMENDATIONS BY NEVADA'S DIVISION OF
ENVIRONMENTAL PROTECTION**

Recommendations for Legislation (Exhibit E, pp. 1 to 3)

The following bill draft recommendations are provided by Allen Biaggi, previously identified in these minutes:

1. *Enhanced implementation of state alternative fuels program.*

Description: The NDEP currently implements the program for conversion of public fleet Vehicles to alternative fuels pursuant to NRS 486A. The NDEP should enhance coordination with the Nevada State Energy Office which implements the Department of Energy, Energy Policy Act, requirements for conversion of federal and state fleets. Clean fuels are available in Clark County, but the market may need incentives for further development. The NDEP should coordinate further with the Nevada State Energy Office to evaluate, promote, and implement incentives for increased use of alternative fueled vehicles. Public awareness and outreach efforts should be enhanced by these agencies. NRS to be amended: 486A.160; Duties of the Division: Issues Orders; Enforce Regulations; Conduct Investigations.

ASSEMBLYMAN PARKS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 1 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

2. *Designate state to develop incentive programs for high emitting vehicle repair.*

Description: Repair of high-emitting vehicles is critical to successfully reducing mobile source pollution, and

therefore to achieving and maintaining ambient air quality standards. A pilot program, recently conducted by DMV[&PS] and Clark County, resulted in the repair of over 1100 vehicles that failed a smog check test. These vehicles were owned by individuals who could not afford to repair their cars. The effectiveness of this program is currently being evaluated. Should the program prove to be an effective means of reducing pollution, the DMV[&PS] should work with NDEP and the county to further develop and implement an effective full-scale repair incentive program. NRS to be amended: 445B.230 Powers and Duties of the Division.

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 2 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

3. *Designate state to coordinate assessment of and recommendations regarding funding needs for air pollution control programs throughout the state.*

Description: As the State of Nevada, and particularly Clark County, continue to grow rapidly, attaining and maintaining air quality will become increasingly challenging. The level of effort and resources necessary will increase significantly over time as issues such as regional/urban haze, PM2.5 and ozone are also required to be addressed. Increases in funding are a prerequisite to meeting these present and future challenges. The NDEP should take the lead, in coordination with all involved county, state, and federal agencies, to assess the funding needs and to investigate and apply to all available funding sources. Priorities for use of limited funding must be established. Appropriate legislation will be recommended to the Legislature. NRS to be amended: 445B.590 Account for the Management of Air Quality: Creation and Administration; Use; Payment of Claim.

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 3 AS A BILL DRAFT REQUEST WITH THE CLARIFICATION THAT THIS IS A "LONG-TERM" EFFORT WITH FUNDING RECOMMENDATIONS PRESENTED IN FUTURE LEGISLATIVE SESSIONS. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

- 4a. *Enable state to conduct air quality program audits.*

Description: The NDEP would ensure that a program audit of Clark County's air quality programs are conducted biennially. The audit would be conducted by an independent contractor selected by the NDEP through an RFP process and would include a detailed evaluation of the county's ambient air monitoring, permitting, compliance, enforcement and planning programs. Specific evaluation and adequacy criteria to be used by the contractor would be developed by the NDEP in consultation with the county and Environmental Protection Agency [USEPA] to ensure a consistent and comprehensive review. NRS to be amended: 445B.230 Powers and Duties of the Division.

- 4b. *Designate local air agency responsibility for air quality program audit.*

Description: Alternatively, as part of the delegation of authority to the local air quality authority, the audit could become a programmatic responsibility of the local agency. Working in conjunction with the NDEP and the [US]EPA, the local agency could fund the costs of hiring a contractor to conduct a comprehensive program audit. NRS to be amended: 445B.500 Establishment and administration of program; delegation of authority to determine violations and levy administrative penalties.

ASSEMBLYMAN BACHE MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 4B TO REQUIRE THAT: (1) THE AUDIT BE CONDUCTED BY AN INDEPENDENT CONTRACTOR, SELECTED BY THE LOCAL AGENCY THROUGH AN RFP PROCESS, WHICH WOULD INCLUDE A DETAILED EVALUATION OF THE COUNTY'S AMBIENT AIR MONITORING, PERMITTING, COMPLIANCE, ENFORCEMENT, AND PLANNING PROGRAMS; AND (2) THE LOCAL AIR QUALITY AGENCY IN CLARK COUNTY, IN CONSULTATION WITH THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES/NEVADA'S DIVISION OF ENVIRONMENTAL PROTECTION AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, DEVELOP SPECIFIC EVALUATION AND ADEQUACY CRITERIA TO BE USED BY THE CONTRACTOR TO ENSURE A CONSISTENT AND COMPREHENSIVE REVIEW. FURTHER, THAT THIS RECOMMENDATION BE ADOPTED, AS AMENDED, AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

5. *Assign state lead role in setting regional haze standards.*

Description: The state will be required to address the federal regional haze mandates in the next three- to five-years.

This program will require coordinated efforts by the state and both county air quality programs. The NDEP should lead these efforts and have the responsibility for submittal of the regional haze SIP on behalf of the state. The NDEP should also work with the counties to provide necessary technical support. NRS to be amended: 445B.235 Additional Powers of the Division.

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 5 IN ITS ENTIRETY AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN PARKS AND CARRIED UNANIMOUSLY.

Nevada's Division of Environmental Protection Recommendations Not Requiring Legislation (Exhibit E, pp. 3 and 4)

1. *[Nevada's Division of Environmental Protection] NDEP to perform evaluation of and make recommendations regarding the use of dust suppressants.*

Description: The extensive application of dust suppressants is critical to meeting the PM10 air quality standards. There is a need to evaluate the products, which are available on the market to assure that safe and environmentally suitable materials are applied. The NDEP should take the lead role in assessing those products and in establishing appropriate restrictions regarding their application. [Nevada's Division of Environmental Protection] NDEP has committed to begin this task immediately.

SENATOR TITUS MOVED THAT THE SUBCOMMITTEE ADOPT RECOMMENDATION NO. 1 IN ITS ENTIRETY AS A STATEMENT TO BE INCLUDED IN ITS FINAL REPORT. THE MOTION WAS SECONDED BY ASSEMBLYMAN BACHE AND CARRIED UNANIMOUSLY.

Chairman Porter stated that the Recommendation Nos. 2, 3, 4, and 6 would be acted on simultaneously:

2. *Initiate, lead, and coordinate activities of a Clark County Air Quality Forum.*

Description: All agencies involved in the air quality issues of Clark County agree that additional coordination of efforts is needed to effectively address those issues. An Air Quality Forum, modeled after the Lake Mead Water Quality Forum, would be created to address air quality issues, coordinate research efforts and share air quality information within the region. The forum, led by NDEP, should consist of representatives of Clark County; the Cities of Henderson, Las Vegas, North Las Vegas, Boulder City, and Mesquite; the Clark County Health District [CCHD], the Department of Transportation [NDOT]; the Regional Transportation Commission [RTC]; the Department of Motor Vehicles [and Public Safety/DMV&PS]; the Department of Agriculture; and federal EPA [USEPA]; the University of Nevada; and the public.

3. *Enhanced responsibility for setting emissions standards for vehicles.*

Description: ENVIRON has identified the adoption of the California Motor Vehicle Emission Standards as a potential control measure. The State Environmental Commission has adopted a commitment to adopt emission standards as necessary to achieve and maintain the ambient air quality standards. The NDEP will work with Clark County and the DMV[&PS] to evaluate the effectiveness of and need for lower vehicle emission standards. Effective standards will be proposed to the State Environmental Commission.

Discussion of the recommendation included a request by Senator Titus to add language to Recommendation No. 3 to ensure the possibility of expanding emission standards beyond Clark and Washoe counties.

4. *In partnership with the University System, develop a training program for air quality professionals.*

Description: There is a critical need for qualified professional staff at both the state and local levels. The ENVIRON report recommends a formalized training agenda for the air quality staff of Clark County. The NDEP should take the lead role in coordination with the county agencies to establish a recommended training agenda for air pollution control staff. The NDEP should also coordinate with the University system and other available training resources to ensure that appropriate courses are made readily available to the staff of all of the air quality agencies in the state.

Mr. Williams reviewed Recommendation No. 5:

5. *Enhanced state participation in the State Implementation Plan (SIP) development.*

Description: This effort is critical to the development and implementation of effective SIP control strategies. The NDEP commits to continue to work with the local jurisdictions to develop and implement control measures, which fall under state authority as needed to attain and maintain ambient air quality standards. The NDEP currently reviews

all draft SIP revisions and provides comment back to the local planning agency regarding the control measures associated with the state-run programs. With adequate resources, the NDEP could expand this role to address all aspects of the SIP.

Discussion of the recommendation included Mr. Williams who revealed the similarities of Mr. Biaggi's Recommendation No. 5 "Enhanced state participation," to that of Recommendation No. 5 in the Subcommittee's "Work Session document," which was previously adopted, in part, by the Subcommittee. (The Subcommittee took no action on this particular recommendation by Mr. Biaggi.)

6. *State to have membership on air quality program technical committees.*

Description: There is a benefit to increasing the understanding of the local air quality issues at the state level. One method of doing this is to involve the state in any technical committees which currently exist or which would likely to be part of any new agency structure in Clark County. This would allow the state to enhance the quality of the technical work by providing the benefit of the state's resources and experience, while also increasing the state's understanding of and support for the local effort through their consistent involvement in the technical work and discussions.

ASSEMBLYMAN BACHE MOVED TO AMEND THE LANGUAGE IN RECOMMENDATION NO. 3, AND TO ADOPT RECOMMENDATION NOS. 2, 4, AND 6 IN THEIR ENTIRETY. FURTHER, THAT THESE FOUR RECOMMENDATIONS BE ADOPTED AS STATEMENTS TO BE INCLUDED IN THE SUBCOMMITTEE'S FINAL REPORT AS AMENDED. THE MOTION WAS SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

DIRECTIONS TO STAFF

Chairman Porter requested that the preceding recommendations be placed into summary format and submitted with ENVIRON's Final Report to the Legislative Commission at the December 2000, meeting. Additionally, he noted that its report and summary are to be made available for distribution prior to the 2001 Legislative Session. Chairman Porter and Senator Titus further requested that the S.B. 432 Subcommittee continue, or at least be reconstituted, during the 2001 Legislative Session to work in concert with the air quality transition team and the CCHD. Further, Senator Titus requested that Mr. Biaggi proceed to hold as many air quality related meetings in Clark County rather than in Carson City, to assist in that process.

ADDITIONAL PUBLIC TESTIMONY

James M. Sohns

James M. Sohns, President, Nevada Car Owners Association, Inc., Las Vegas, expressed dissatisfaction regarding several Clark County air quality related issues, but offered support for cleaner air in Clark County through the use of "newer" fuels. He commented on the ERC Program audit and ENVIRON's Draft Final Report.

Sally Devlin

Sally Devlin, a resident of Pahrump, Nevada, submitted a handout (Exhibit I). Please see Exhibit I for further details of Ms. Devlin's presentation.

Laird Noble Sanders

Laird Noble Sanders, Owner, Lake Mead Boat Storage, Las Vegas, expressed concerns for the CCHD enforcement procedures and Clark County Corrective Action Order No. 4076.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:35 p.m. Exhibit J is the "Attendance Record" for this meeting.

Respectfully submitted,

Maureen C. Kirkman
Senior Research Secretary

Donald O. Williams
Chief Principal Research Analyst

APPROVED BY:

Senator Jon C. Porter, Sr.
Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A (regarding Recommendation No. 17 of the Subcommittee's "Work Session document") is a letter dated October 6, 2000, to Senator Jon C. Porter, Sr., from Eileen [G.] O'Grady, Principal Deputy Legislative Counsel, Legislative Counsel Bureau (LCB), Carson City, Nevada. This letter was referenced by Robert W. Hall, President, Nevada Environmental Coalition, Inc., Las Vegas, Nevada.

Exhibit B (regarding Recommendation No. 16 of the Subcommittee's "Work Session Document") is a memorandum dated September 20, 2000, to Dr. Donald S. Kwalick, Chief Health Officer, Clark County Health District (CCHD), Las Vegas, from Joel Moskowitz, Investigator, Clark County District Attorney's Office. This memorandum was referenced by Robert W. Hall, President, Nevada Environmental Coalition, Inc., Las Vegas.

Exhibit C is the ENVIRON International Corporation (ENVIRON) Final Report, dated September 29, 2000, titled "Study of Air Quality Programs in Clark County, Nevada - Pursuant to Senate Bill 432 (Chapter 529, *Statutes of Nevada*)," provided by David R. Souten, Principal Partner, ENVIRON.

Exhibit D is a document dated October 13, 2000, titled "Heavy-Duty Diesel Surface Street Inspections - A report on the heavy-duty surface street inspections pilot program as requested by Senate Bill 432," provided by Russ Benzler, Administrator, Compliance and Enforcement Division, and Jim Parsons, Management Services and Programs Administrator, Department of Motor Vehicles and Public Safety (DMV&PS), Carson City.

Exhibit E is an undated handout titled "Enhanced State of Nevada Role in Air Quality Planning and Regulatory Programs," provided by Allen Biaggi, Administrator, Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, Carson City.

Exhibit F is the "Work Session Document" as prepared by staff of Legislative Counsel Bureau for the Legislative Commission's Subcommittee on Air Quality Programs in Clark County (Senate Bill 432; Chapter 529, *Statutes of Nevada 1999*).

Exhibit G is a document titled "Management Organizational Study Objectives and Scope of Work for the Clark County Health District Air Quality Division Request for Proposals," provided by Christine Robinson, Air Pollution Control Director, Air Pollution Control Division, CCHD, Las Vegas.

Exhibit H is a handout dated October 2000, titled "Alternative Fuel Incentives: Options for Nevada," provided by James M. Brandmueller, Ph.D., Transportation Projects Manager, Nevada State Energy Office, Department of Business and Industry, Carson City.

Exhibit I is a document dated October 12, 2000, titled "For Public Comment at October 13 Meeting," provided by Sally Devlin, resident, Pahrump, Nevada.

Exhibit J is the "Attendance Record" for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775) 684-6827.