

ASSEMBLY ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE MEETING

MINUTES

DATE: Monday, April 14, 1975

MEMBERS PRESENT: Chairman Bremner, Messrs. Coulter, Chaney, Jacobsen, Heaney, Weise, Price, Jeffrey and Banner;

MEMBERS ABSENT: None

GUESTS:	Richard Serdoz	- Air Quality, Bureau of Environmental Health
	Chuck Breese	- Environmental Protection, Washoe County;
	Irene Porter	- City of North Las Vegas;
	Roger Trounday	- Dept. Human Resources;
	Ernie Gregory	- Air Quality, Bureau of Environmental Health
	Daisy Talvitie	- League of Women Voters, Las Vegas;
	Glen K. Griffith	- Dept of Fish and Game
	Don Crosby	- Dept of Highway, Carson City;
	C. P. Brechler	- Highway Commission, Clark Co.;
	Donald R. Arkell	- Clark County Health Dept; Las Vegas;
	Louis C. Kossuth, M.D.	- Asso Gen'l Contractors;
	Allan Bruce	- " " "
	Max Christiansen	- Air Conditioning Contractors;
	Jim Joyce	- So. Nevada Homebuilders;
	Paul May	- Assemblyman and introducer of AB 480;
	John Madole	- Asso. Gen'l Contractors;
	Tom Young	- Sierra Pacific Power Co.

The meeting was called to order at 4:15 p.m. by Chairman Bremner. Because of the late hour, Mr. Griffith of the Fish & Game Department advised Mr. Bremner that he would submit a letter regarding AB 396 which would permit the hunting of deer with muzzle-loaded weapons.

Assemblyman Paul May, the sponsor of AB 480, a bill changing the terminology respecting certain air pollution sources and modifying requirements for their regulation, stated that he introduced the bill at the request of the construction industry in Clark County. He referred to a letter from the Nevada State Environmental Commission which advised Mr. May, Mr. Bremner and Mr. Wilson, Chairman of the Senate Committee on Environment & Public Resources, that they were not in favor of the amendments proposed to the bill.

Exhibit A

Monday, April 14, 1975 - page two

Mr. May stated that the Nevada State Environmental Commission had been advised in advance of these amendments and had agreed to them.

Mr. Allan Bruce, representing the Nevada Chapter of the Associated General Contractors and the Construction Advisory Council of Southern Nevada which comprise most of the contractor trade associations and building trade unions, spoke in favor of AB 480 with their proposed amendments. (See attached Exhibits "B" and "C"). He felt that air pollution from automobiles should be controlled before regulations affecting stores, roads, shopping centers, etc. are enacted because there isn't much point to controlling developments if automobiles continue to pollute the air. He felt that new shopping centers should be encouraged instead of discouraged by the approximate cost of \$10,000 to conduct an environmental impact study because new shopping centers in various areas of Las Vegas will help to disburse traffic congestion which results in greater air pollution.

Ms. Irene Porter, Director of Planning of the City of North Las Vegas, spoke in favor of AB 480 with supportive amendments. She pointed out that the present law relating to air pollution control are a result of anticipating actions of the federal government. However, because of economic problems, construction lags, energy crisis, etc., even the federal government has extended requirements with regard to the development of low emission engines and has delayed implementation of indirect source regulations. She also stated that "until the problems of the internal combustion engine are solved can we get at the 'root' of air pollution". (Her full remarks are attached as Exhibit "D")

In response to Mr. Price's question as to the importance of environmental factors being considered in the planning of a city, Ms. Porter stated that the economy must be considered as a clean environment isn't much good if there are families who are not working; that there must be a balance between social, economic and environmental factors.

Louis Kossuth, M.D., a consultant representing the Southern Nevada Contractors, stated that he had been president of the College of Preventive Medicine, worked with the U.S. Surgeon General's Office and had formerly been employed by the State of Arizona as the Commissioner of Health. He asked if the action of AB 480 under consideration by the Committee was necessary, possible, practical, and economical. He stated that in suburban areas the levels of pollution are one-half that found in cities; that there is no reason to think that carbon monoxide poisoning is a problem in Las Vegas. He also recommended a very strong program of motor vehicle

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emissions control before moving to control indirect sources of air pollution and that any restrictions placed on indirect sources should not be more restrictive than the federal requirements because this would be too restrictive for growth. (Dr. Kossuth's extensive remarks are attached as Exhibit "E").

Ms. Daisy Talvitie, representing the League of Women Voters, Las Vegas, stated that her organization recommended that AB 480 be "killed", as the bill could have very serious repercussions. Mrs. Talvitie's remarks are attached as Exhibit "F". She also made reference to a preliminary report of a study conducted by "TRW", a private company under contract to the State and Federal governmental agencies involved, which surveyed air pollution in Clark County that concluded the air pollution problems in Las Vegas will become as acute as those in the Los Angeles area and that "auto miles" will have to be reduced by 90% if air pollution in Clark County is to be controlled.

Mr. Price asked Mrs. Talvitie if she was considering the Board to be consumer oriented as she expressed objection to the contractor representative on the Board. She stated that the consumer interests should be considered; that when there is a violation of regulations, the violator must appear before this Board which is "quasi judicial". In answer to Mr. Price's question regarding the affects of Federal regulations as to land use, Mrs. Talvitie stated that if the Clark County area ever becomes as severely affected by air pollution as Los Angeles, that would be the time to control land use; that at this time, prevention of situations she called "hot spots", meaning heavily congested shopping areas in Las Vegas, should be controlled.

Mr. Donald R. Arkell, Director of Air Pollution of the Health Department in Clark County, spoke in opposition to the proposed amendments to AB 480. His testimony is attached as Exhibit "G". He particularly opposed the attempt in Section 5, sub-section 2, which limits local authority to establish regulations more restrictive than those adopted by the State which conflicts with what he believes should be a local option. Since environmental problems in Clark County are more often than not more acute than those in other parts of the state, more restrictive standards are therefore justified. He also felt that the proposed board on page 2, line 2, of 13 members was very cumbersome and that having two different boards with two different functions was not a practical solution to the problems which would arise. To Mr. Heaney's question, Mr. Arkell stated that the only amendment he approved was the one which deleted one of the proposed two boards.

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page four

Mr. Weise stated that he felt every industry was becoming regulated by people who do not understand the industry and felt that a contractor on the proposed board could shed a practical light on problems of pollution. Mr. Arkell stated that the original bill did not include a 13 man board; that they now have a 5 man board including an attorney and engineer and it has worked out very well; that it does not make regulations but issues orders as to variances, etc. To Mr. Price's question as to staffing his office if the bill is passed, Mr. Arkell stated that it would make no difference either way.

Mr. Richard Serdoz of the Air Quality Section of the Bureau of Environmental Health stated that the approximate \$10,000 cost of the environmental impact study was about 1% less than the assessed value of the projects covered by his office; that the EPA standards have been challenged in court; that one project approved had 240,000 cars pass by which is less than the number of cars registered in Clark County; that in the past year their regulations are being used by developers to allow continued growth and that the project at Lake Tahoe will probably use them, too.

Mr. Heaney asked Mr. Serdoz what standards are being used to determine violations. Mr. Serdoz stated that carbon monoxide violations in Reno were 260 times as many compared to five times in Sacramento and that the same federal and state standards were used in both cases. Mr. Price asked Mr. Serdoz if stricted pollution controls on cars would have anything to do with the reduced number of ciolations. Mr. Serdoz stated that violations in Reno are probably higher because cars do not work as efficiently in higher altitudes; that violations are 1.7 times more in Reno than in the Las Vegas area. (Mr. Serdoz' full statement is attached as Exhibit "H").

Mr. Roger Trounday, Director of the Department of Human Resources, stated that the court cases at Lake Tahoe arose because the hotels would not supply an environmental impact study. Since they have now been supplied, the Department is in the process of approving one of the hotels since plans for by-pass roads have been submitted. In shopping centers in Las Vegas, the Department's standards could not be extended because there were no side-roads. Some modifications have been made primarily because of traffic conditions.

Mr. Chuck Breeze of Washoe County stated that he opposes AB 480 because it would nullify local attempts to control air pollution. He feels that we must support existing regulations, including those related to planning.

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page five

Mr. John Modale representing the Associated General Contractors of Northern Nevada stated that air pollution regulations vary from county to county and that "we would be locked in by tougher standards if they are set by the federal government". He felt that a contractor should be a member of the board and that the 1% additional cost for preparing the impact study is not an insignificant amount.

Mr. Tom Young representing the Sierra Pacific Power Company stated that he feels our standards should conform to those of the federal government which do not mention "sewer, water, power and gas lines" as proposed on line 23, page 1 of AB 480. For federal definitions of "indirect sources" of pollution, see Mr. Young's statement identified as Exhibit "I".

Mr. Weise stated that one project he had constructed last year operated on a 2% margin and that the cost of an environmental study could be acute.

Mr. Bremner adjourned the meeting at 6:00 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Secretary

ASSEMBLY

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AGENDA FOR COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Date Mon., April 14 Time 3:00 p.m. Room 214

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 396

Authorizes state board of fish and game commissioners to establish special season for hunting deer with muzzle-loaded weapons;

AB 480

Changes terminology respecting certain air pollution sources and modifies requirements for their regulation.

NORMAN OLASER
Chairman



Governor

AB 480

Ex A
1-282
Address reply to
Nye Building
Telephone 885-4363

STATE OF NEVADA
NEVADA STATE ENVIRONMENTAL COMMISSION
CARSON CITY, NEVADA 89701

April 14, 1975

The Honorable Senator Thomas R. C. "Spike" Wilson
Chairman, Senate Committee on Environment and Public
Resources
Nevada State Legislature
Carson City, Nevada 89701

The Honorable Assemblyman D. R. Bremner
Chairman, Assembly Committee on Environment and Public
Resources
Nevada State Legislature
Carson City, Nevada 89701

Gentlemen:

In a letter of March 18, 1975, Assemblyman Paul May was informed that the State Environmental Commission agreed to support amendments to delete portions of NRS 445.446 (2). Attached is a copy of that letter.

In a meeting of April 11, the Nevada State Environmental Commission considered Assembly Bill No. 480. This bill proposed amendments that go far beyond the amendments the Commission previously supported as described in the March 18 letter.

Members of the Commission unanimously agreed on April 11 to advise you that the Commission does not support Assembly Bill 480.

Sincerely,

Roland D. Westergard
Vice Chairman

RDW:gs
Attachment

cc: The Honorable Assemblyman Paul W. May
w/Attachment

a division of the Department of Conservation and Natural Resources
Elmo J. DeRicco, Director

NORMAN GLASER
Chairman



Address reply to
Nye Building
Telephone 882-7182

1-283

STATE OF NEVADA
NEVADA STATE ENVIRONMENTAL COMMISSION
CARSON CITY, NEVADA 89701

March 18, 1975

The Honorable Paul May, Assemblyman
Nevada State Legislature
Legislative Building
Carson City, NV 89701

Dear Mr. May:

On February 28, 1975, the Nevada State Environmental Commission, by a majority vote, agreed to support a proposed amendment that deletes portions of Section 445.446(2) of the Nevada Revised Statutes which reads as follows: *

"2. "Complex source" means any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Complex sources include, but are not limited to:

- (a) Shopping centers;
- (b) Sports complexes;
- (c) Drive-in theaters;
- (d) Parking lots and garages;
- (e) Residential, commercial, industrial or institutional developments;
- (f) Amusement parks and recreational areas;
- (g) Highways;
- (h) Sewer, water, power and gas lines,

and other such property or facilities which will result in increased air contaminant emissions from motor vehicles or other stationary sources. (Added to NRS by 1971, 1192; A 1973, 1811)"

* Underlined portion is to be deleted.

If you have any questions, please feel free to call me.

Sincerely,
NORMAN GLASER, Chairman

by: Ken Boyer
Executive Secretary

cc: Elmo J. DeRicco

a division of the Department of Conservation and Natural Resources
Elmo J. DeRicco, Director

Bruce
AB STATEMENT BY ASSOCIATED GENERAL CONTRACTORS

A.B.-480

Ex B
1- 284

Mr. Chairman, members of the Committee, my name is Allan Bruce and I am appearing today representing the ~~Southern Nev. Chapter~~ Associated General Contractors. I am also authorized to express the views of the Construction Advisory Council of Southern Nevada which is comprised of most of the Contractor Trade Associations and Building Trades Unions in Southern Nevada. A.B.-480 was introduced at the request of several of our trade groups. We also have certain amendments we ~~would like to submit~~ *have submitted* which further modify features of the existing statutes relating to the regulation of so-called complex sources or what are now termed "indirect sources." Briefly, the bill with the amendments would accomplish the following things:

First, it provides that regulations on indirect sources could not be implemented until such time as similar regulations are implemented by the United States Environmental Protection Agency (E.P.A.). It would also prohibit the promulgation of state or local indirect source regulations stricter than those which may be required by the E.P.A. I think the reasons for this change will become evident from the testimony you will hear today.

Secondly, the bill with the amendments would redefine the term "indirect source" in terms of being a facility which would indirectly result in the emission of carbon monoxide (from vehicular traffic) and would also enumerate a list of certain specific indirect sources such as parking facilities, highways, retail and commercial facilities, and so on, as identified in present E.P.A. guidelines. Although, the State Environmental Commission has suggested deleting such a list

from the existing statutes, the industry groups feel, generally, that it would be better to define the types of indirect sources at least to the extent of the E.P.A.'s list rather than leaving the question open to a lot of guesswork. ~~82e~~

~~By the way, the bill will elaborate
the area by more detail~~

The third significant change would provide that the local air pollution control hearing board be appointed in essentially the same manner as the District Board of Health is presently appointed, namely, by the political entities who are responsible for appointing the members of the District Board of Health. Under the present arrangement, members of the District Board of Health appoint their own hearing board and it strikes us that this is much the same as having the judge appoint his own jury. It appears that it would be much more equitable to have a hearing board appointed separate and apart from the body whose decisions or actions the hearing board may likely be called upon to rule on. Another change would provide that one member of the hearing board would be a licensed general engineering or general building contractor. Since a number of matters which may come to the attention of the hearing board relate to the construction industry, it seems to us that it would be prudent to have the kind of input that would be available as a result of a contractor participating as a member of the board.

Final amendment on list submitted will be covered by Mrs. Verna Porter

I would like to comment briefly now on some of the background dealing with indirect source regulation and explain why this subject has created so much concern in our industry. In retrospect, it appears that the measure passed two years ago by the Nevada Legislature which lead to indirect source regulation was enacted out of

the belief that unless the various states acted to implement their own indirect source regulations, the Federal Government would move in and impose regulations of their own. (Incidentally, a more detailed discussion of the background of indirect source regulation at the Federal level will be included in the testimony which Dr. Louis Kossuth will present today.) As it developed, however, the E.P.A. in the face of the tremendous controversy which arose over the questionable need for indirect source regulations, has now postponed any implementation of indirect source regulation until July 1, 1975. There are now measures before Congress that could postpone indefinitely any Federal implementation of indirect source regulations. Subsequent to the passage of the enabling legislation two years ago, the State Environmental Commission adopted indirect source regulations stricter than those proposed by the E.P.A. The Air Pollution Control Division of the Clark County District Board of Health attempted to adopt local regulations last year which would have been far more restrictive than the State regulations. These moves, we believe, came about even though no hard scientific data or evidence has been produced showing a need for control of indirect sources in order to maintain air quality. At the root of the controversy is the overriding question: If the automobile is the real culprit creating air pollution, is not the logical solution then to enact adequate measures to require cleaner burning engines?

To many people, it simply doesn't make sense to place limitations and restrictions on the construction of roads, schools, shopping centers and so on, as a means of reducing air pollution. These things may make some sense in terms of a "last resort" method of control but should only be considered if primary efforts fail; that is, in achieving clean burning automobile engines. A case in point, is a

*the effective control of automobile
emissions*

new shopping center planned in Las Vegas for the area of the Fremont Expressway and Valley View Boulevard, ~~at the intersection~~. The developers are required under the existing State and local regulations to conduct an environmental impact study which is estimated to take at least six months and costs perhaps \$10,000 to make sure that the creation of this shopping area will not result in a "health hazard." Instead of creating a threat, logic should show that a new major shopping center in the northwest part of Las Vegas would reduce air pollution by reducing the need for a heavy volume of traffic crossing the metropolitan area of town and substantially reducing the heavy congestion of automobiles at the Boulevard Shopping Center in Paradise Valley.

To place the question of the potential hazard of carbon monoxide in another perspective, I would like to quote an excerpt from a recent speech by Professor John McKetta of the Department of Chemical Engineering, University of Texas, and who also serves as Chairman of the National Air Quality Commission. Professor McKetta said:

Quote

"As you know, the most toxic component of automobile exhaust is carbon monoxide. Each year man adds 270 million tons of carbon monoxide to the atmosphere. Most of this comes from automobiles. The scientists are concerned about the accumulation of this toxic material because they know that it has a life in dry air of about 3 years. For the past several years, monitoring stations on land and sea have been measuring the carbon monoxide content of the atmosphere. Since the

ratio of automobiles in the northern and southern hemisphere is 9:1 respectively, it was expected that the northern hemisphere would have a much higher concentration of atmospheric carbon monoxide. The true measurements show, however, that there is no difference in CO amounts between the hemispheres and that the overall concentration in the air is not increasing at all. In fact they've found higher concentrations of CO over the Atlantic and Pacific oceans than over land??????

"Early in 1971 scientists at the Stanford Research Institute in Palo Alto disclosed that they had done some experiments in smog chambers containing soil. They reported that carbon monoxide rapidly disappeared from the chamber. Next, they sterilized the soil and then found that now the carbon monoxide did not disappear. They quickly identified the organisms responsible for CO removal to be fungi of the aspergillus (bread mold and pencillin types). These organisms, on a world-wide basis, are using all of the 270 million tons of the CO made by man for their own metabolism, thus enriching the soils of the forest and the fields.

This does not say carbon monoxide is any less toxic. It does say that, in spite of man's activities, carbon monoxide will never build up in the atmosphere to a dangerous level except on a localized basis. To put things in perspective, let me point out that the average concentration of CO in Austin, Texas is about 1.5 parts^{per} million. In downtown Houston, in heavy traffic, it sometimes builds up to 15 or 20 ppm. In Los Angeles it gets to be as high as 35 ppm. In parking garages and tunnels it is sometimes 50 ppm.

"Here lies ^{another} surprise ~~about the CO content~~ -do you know that the CO content of cigarette smoke is 42,000 ppm? The CO concentration in practically any smoke filled room grossly exceeds the safety standards we allow in our laboratories. I don't mean to imply that 35 to 50 ppm CO should be ignored. I do mean that there are so many of us who subject ourselves to CO concentrations voluntarily (and involuntarily) that are greater than those of our worse polluted cities, including Holland Tunnel in New York, without any catastrophic effects. It is ^{not} all unusual for CO concentrations to reach 100-200 ppm range in poorly ventilated, smoke filled rooms. Incidentally, if a heavy smoker spends several hours without smoking in a highly polluted city air containing 35 ppm of CO concentration, the concentration of CO in his blood will actually decrease!

"In the broad expanse of our natural air, CO levels are totally safe for human beings.

"Incidentally, 93% of the CO comes from trees and greeneries. (3.5 billion tons yr.) Only 7% comes from man (270 million tons yr.)" Unquote

Findings such as those reported by Professor McKetta together with other considerations have cast considerable doubt over the wisdom of regulating indirect sources and have contributed to the delay in Federal intervention. Among other objections to indirect source regulations are the following:

1. They place absolute control of growth in the hands of a regulatory agency instead of elected officials.
2. They require that land use decisions be made solely on the basis of air quality considerations.
3. They halt or discourage investment in raw land by developers due to the impossibility of a land purchaser knowing what types of development may be allowed.
4. They discourage new construction because of the delays and costs involved in a developer having to furnish all of the background data required for review.
5. They require the application of air quality criteria which is arbitrary even according to the Environmental Protection Agency and they would further damage the economy by causing even further increases in unemployment in the construction industry which is already substantially above the national level.

This summarizes our reasons for supporting A.B.-480. If any of the members of the Committee have questions, I would be happy to try to answer them.

AMB:gh

4/9/75

4/2/75

DRAFT

Ex. C
1-291

AMENDMENTS TO A.B.-480

1. Page one, line six, add the following:

"and in no event shall such regulations be stricter than those which may be adopted by the United States Environmental Protection Agency."

2. Page one, line twelve and thirteen, delete the words:

"any air contaminant for which there is an ambient air quality standard " and substitute in lieu thereof the words:

"carbon monoxide."

Delete the brackets from line fourteen and line twenty-five and delete the list of items (a) through (h) in lines sixteen through twenty-three and substitute the following:

- "(a) Highways and roads.
- (b) Parking facilities.
- (c) Retail, commercial and industrial facilities.
- (d) Recreation, amusement, sports and entertainment facilities.
- (e) Airports.
- (f) Office and Government buildings.
- (g) Apartment and condominium buildings.
- (h) Educational facilities."

3. Page two, lines two through five, delete the brackets and italics so as to restore present language.

Line six, paragraph two, delete in its entirety and substitute in lieu thereof the following:

"2. The air pollution control hearing board appointed by a county, city or health district shall consist of two members from each county, city or town

4/2/75
Draft
Amendments to A.B.-480

Exc
1-292

which participated in establishing the district to be appointed by the governing body of the county, city or town wherein they reside together with one additional member to be chosen by the members so appointed. One member of the hearing board shall be an attorney admitted to practice law in Nevada, one member shall be a professional engineer registered in Nevada, and one member shall be licensed in Nevada as a general engineering contractor or a general building contractor as defined by NRS 624.215."

4. Page 3, Lines 31 - 34 (and shall submit to the department for evaluation such concise statement of the effects on air quality by (complex) indirect sources as may be required by the Environmental Protection Agency of the United States.)

Thank you Mr. Chairman and members of the Committee for allowing me to address you today in regard to AB480. I'm Irene Porter, Director of Planning, for the City of North Las Vegas and I'm here representing my City and also speaking on behalf of Don Saylor, Director of Community Development, City of Las Vegas; Jay Downey, Director of Planning, Clark County; and Bob Gordon, Director of Planning, City of Henderson.

The planning profession has long been cognizant of air pollution and has been instrumental in aiding with the development of regulations and programs to diminish its effect. We have, however, accomplished this within the total framework of a comprehensive planning program and also by examining the sources of pollution.

The indirect source regulations are an independent approach to a problem and have far-reaching implications. I believe we have again seen environmental regulations which are a "cosmetic" approach to a symptom and not an attack at the cause, with resultant cost to the balance of the environment, the economy, and an undermining of local general purpose governments abilities to govern and guide the development of their communities.

As Mr. Bruce has pointed out the law we presently have is the result of anticipating the actions of the federal government. Since that time we have seen changing conditions in our society; economic problems, construction lags, an energy crisis and perhaps most of all a greater understanding that we must provide a balance in our society of the social, economic and environmental factors.

The federal government, recognizing these factors, has extended requirements with regard to the development of ^{low emission} ~~pollution free~~ engines to prevent economic chaos to the auto industry and ^{has} delayed implementation of indirect source regulations in order to prevent delays in processing developments, both public and private,

which would add to spiraling costs and be passed on to the consumer, as well as to assist in the energy crisis.

The last amendment, which has been proposed as a portion of the amendments, given to you by Mr. Bruce relates directly to the planning function. It does leave in the provision that planning commissions must consider air pollution effects in all applications and programs. This is a process we, in Clark County, have been accomplishing for sometime; however, it removes the process whereby we must submit to the department concise statements of the effects on air quality.

We firmly believe that no one element should be the overriding factor in a planning program but rather the interrelationships of land use, transportation, social, economic and environment must be considered within the total framework of the City. If a governing body cannot relate all issues to guide the growth and development of their communities, chaos could result in developing the city, the planning program and their basic ability to govern.

We support AB480 with the proposed amendments since we feel it provides a conservative approach to the issue, one which we can all, ^{with the} public and private ^{sector,} live with. However, as a planner I still feel that not until the problems of the internal combustion engine and our basic transportation issues are solved can we get at the "root" of air pollution.

Let us all hope we have learned in the past decade that we must treat the cause of our environmental problems rather than devise programs which treat a symptom. Since treatment of the symptoms do not remove the problem and can prove more costly and have greater ramifications than the illness.

THE REGULATION OF COMPLEX SOURCES OF AIR POLLUTION

Louis C. Kossuth, M.D., M.P.H.

E+ E
/ - 295

The Federal Clean Air Act of 1970 codified, amended, and expanded previous Federal Legislation of 1963, 1965, 1966 and 1967. Its goals were similar to previous legislation: "to enhance and protect the Nation's air resources" and, as previously, the Administrator of the Environmental Protection Agency was given broad power to implement the intent of Congress by Federal Regulation. The Administrator was charged with:

1. Identifying air pollutants which have an adverse effect on public health and welfare.
2. Publishing air quality criteria which accurately reflects the latest scientific knowledge of identifiable effects on public health and welfare.
3. Promulgate National Ambient Air Quality Standards for air pollutants for which air quality criteria have been issued.
4. Approve or disapprove State Plans for Air Pollution Control and maintenance for each air pollutant for which there is a National Standard.

National Ambient Air Standards for six classes of air pollutants were promulgated April 30, 1971 (1). William D. Ruckelshaus, the Administrator, had the following comments to the press:

"These are tough standards. They are based on investigations conducted at the outer limits of our capability to measure connections between levels of pollutions and effects on man. In the case of carbon monoxide, one of the most important

automobile pollutants, we have set a standard to protect against effects reported by investigations which prompt arguments even among our own scientists."

"The legislative history of the Clean Air Act makes it plain, that when we talk about protecting the 'public health' against polluted air, we are talking about protecting those citizens who are particularly sensitive to it -- in other words, those citizens who are already afflicted with cardio-respiratory problems. If we have erred at all in setting these standards, we have erred on the side of public health."

When the impact of the carbon monoxide standard was brought to public attention by the transportation control plans to control this pollutant, there was serious public resistance in several very large metropolitan areas. Reduction of vehicle miles travelled of 75 percent or more were proposed through increased mass transit, car pools, gasoline rationing and other measures. Little attention was given however to the background of how the CO standard was derived and the public health effects which this standard would preclude.

The Federal Register of April 30, 1971 (2) provides the EPA Administrator's philosophy in setting the carbon monoxide standards. It reads as follows:

"Where the validity of available research data has been questioned, but not wholly refuted, the Administrator has in each case promulgated a national primary standard which includes a margin of safety adequate to protect the public health from adverse effects suggested by the available data.

The national primary standard for carbon monoxide, proposed on January 30, 1971, was based on evidence that low levels of carboxyhemoglobin in human blood may be associated with impairment of ability to discriminate time intervals. This evidence is reflected in 'Air Quality Criteria for Carbon Monoxide' (35 F.R. 4768). In the comments, serious questions were raised about the soundness of this evidence. Extensive consideration was given to this matter. The conclusions reached were that the evidence regarding impaired time-interval discrimination had not been refuted and that a less restrictive national standard for carbon monoxide would therefore not provide the margin of safety which may be needed to protect the health of persons especially sensitive to the effects of elevated carboxyhemoglobin levels. The only change made in the national standards for carbon monoxide was a modification of the 1-hour value. The revised standard affords protection from the same low levels of blood carboxyhemoglobin as a result of short-term exposure. The national standards for carbon monoxide, as set forth below, are intended to protect against the occurrence of carboxyhemoglobin levels about two percent. It is the Administrator's judgment that attainment of the national standards for carbon monoxide will provide an adequate safety margin for protection of public health and will protect against known and anticipated adverse effects on public welfare."

The standard was based on "the impairment of ability to discriminate time intervals". Because of the importance of this statement the original research report of Doctors Beard and Wertheim (3) was reviewed. Their testing method was to expose a subject to a sound, one second in duration, at a comfortable auditory level, a one-half second in silence and a

similar sound in random sequence but ranging from 0.675 seconds to 1.325 seconds. One-third of the second sounds were identical in duration to the first sound, one-third were shorter and one-third were longer. With exposure to CO there was degradation of the ability to discriminate whether the second sound was longer, shorter or the same. - 298

This is the most sensitive test of response to CO that has been reported. It is not to be argued that an effect was not noted. One must ask however "what is the importance of this effect that lead to it being the cornerstone of the National Carbon Monoxide Ambient Air Quality Standard? I cannot imagine what it might be. The authors of this research opened their discussion of their report with the following:

"We do not suggest the immediate application of these observations to the establishment of new air quality standards as threshold limit values. Much remains to be done before we understand the significance of performance decrements associated with low concentrations of carbon monoxide."

It is interesting to note that blood carbon monoxide levels were estimated by EPA as 2.5 percent carbon monoxide hemoglobin (the researchers encountered technical problems and did not accept their blood studies as accurate).

This then is the background by which our carbon monoxide standards were established. A very strong standard with a large built-in margin of safety. The Nevada Air Quality Regulations adopted the Federal standard. The states then developed plans to control CO and to meet the standard. In May 1972 the Administrator, EPA, published his approvals and disapprovals of State Plans. Shortly thereafter several organizations challenged the

Administrator's approvals on the grounds that the plans were not adequate to insure maintenance of ambient air quality in the face of local and national growth. In March 1973 the Administrator, EPA, disapproved all state plans and noted a need for new source review of complex or indirect sources: facilities which do not themselves emit pollutants but which attract increased motor vehicle activity, and thereby may interfere with the attainment or maintenance of an ambient air quality standard.

During this 1973 period while EPA was grappling with an approach to the control of air pollution from indirect sources, an early draft definition of indirect source was adopted as NRS 445.446. In June 1973 the Administrator promulgated final guidelines for indirect source review. Some states did not act and on February 25, 1974 Federal Regulations were published in the Federal Register (4). The Administrator's philosophy and purpose as explained in this publication are pertinent.

1. "The regulations are intended to provide one element in an overall strategy of air quality maintenance." (page 7271)
2. "The primary purpose of the regulations is to serve as an element in an overall strategy for maintenance." (page 7273)
3. "The regulation is not intended to apply to single family housing developments." (page 7273)
4. "Thus, even though the national standards for carbon monoxide may presently be exceeded at some locations in a region, most facilities subject to this regulation which are designed to produce the requisite traffic flow characteristics should still be allowed to construct. This is due to a combination of three factors:

1. Generally, present air quality data reflect the most highly polluted downtown areas. Much new construction occurs on the outskirts of the urban area where carbon monoxide

concentrations are relatively low. Construction that does occur in downtown areas is usually served or can be served by mass transit so that the induced traffic will be minimal.

2. The Federal Motor Vehicle Control program will continue to reduce automobile emissions. By the date a facility that commences construction on or after January 1, 1975, is completed, ambient air quality levels of carbon monoxide should be significantly lower than they are presently. (This January 1975 date has been postponed to July 1975, and further postponement has been suggested.)

3. To the extent that air quality levels at the site of a proposed indirect source are expected to continue to threaten the national standards, this condition may be due to existing adverse local traffic conditions which may be corrected. If such a situation is corrected, a facility may be allowed to construct if the owner can demonstrate that the additional induced traffic will not cause the local traffic flow to return to its initial condition."

These regulations were amended by the Federal Register of July 9, 1974, Volume 39, #132, Part II. In December 1974 the Administrator suspended implementation of the review procedures pending further notice, and stated no facility which commences construction or modification prior to July 1, 1975 will be subject to Federal indirect source regulation. The Arizona Republic (a Phoenix newspaper) reported on March 7, 1975 that EPA attorney Richard Stoll said that the agency would issue new regulations pushing back the effective date six or more months.

The indirect or complex source regulations have been one of the most controversial of EPA's pronouncements. The emotionalism concerning the environment

that was so prevalent in the 60's is dissipating in the 70's. The state of the economy and the energy shortage have brought a hard look at expenditures which do not increase productivity or decrease cost per unit produced. Planners of all types (city, highway, land use, etc.) have raised questions about coordination of air pollution control plans, specifically complex source planning, with their specialized type of planning. Of greater importance, particularly at the State and local level is the need to clearly define the role, the authority, and the responsibility of each. To this must be added the question: "Are indirect or complex source regulations necessary?" The answer is a qualified "maybe". This "maybe" is best expressed by the continued postponement by EPA of the effective date of their indirect source regulations. In the Federal Register of February 25, 1974, the Administrator of EPA justifies his position of only requiring analysis of carbon monoxide for indirect sources other than airports and large highways as follows (page 7272): "It is the Administrator's judgment that adequate analytical techniques do not exist at this time to predict with confidence the effects of a single source on areawide oxidant levels, except for extremely large sources, etc." I must point out that if the proportional modelling technique is not reliable for a single source it is not reliable for an indirect or complex source. Thus, there are no reliable tools which can be used for projections and presumptions concerning complex sources. In the Federal Register of July 9, 1974 the Administrator stated: "On several previous occasions the Administrator has expressed reservations concerning the adequacy of available analytical techniques to accurately analyze the impact of a specific indirect source on ambient air quality concentrations of photochemical oxidant and nitrogen dioxide." It was for those reasons that the Federal Regulations for indirect sources other than airports and large highways are only analyzed with respect to carbon monoxide.

There are urban areas in which the automobile has produced pollutants at levels which can be expected to produce unquestioned health effects. /-302

Carbon monoxide is a colorless, odorless, tasteless gas that when breathed at an appropriate concentration for an appropriate time produced effects ranging from degradation of time discrimination, impairment of visual function, headache, nausea, lassitude, stupor unconsciousness and death. In individuals with pre-existing coronary artery disease (angina with or without a previous heart attack), there may be angina produced with less activity than would be the case if low levels of carbon monoxide were present. These effects occur however at levels many times beyond the time/concentration exposures that have been observed in Las Vegas.

The effects of carbon monoxide are similar to the effects of altitude. For the normal individual these effects, from which the CO standards protect the public, are less than the effects to be expected by driving from Sacramento (30 feet) to Lake Tahoe (6,225 feet). It is accepted that there are persons in poor health from cardiac or respiratory disease who should not accept an increase of 5,000 feet from the altitude to which they are accustomed. These individuals in poor health should not ride in a pressurized airplane as the cabin altitude there is usually adjusted to 8,000 feet. These individuals should also avoid areas of heavy traffic congestion.

What do we know about carbon monoxide air pollution in Clark County? The record is patchy. Support to provide monitoring has been scanty. There is however continuous data for 1974 and this continues unto 1975. In 1974 the one hour standard was only exceeded once. The eight hour standard was exceeded on 14 days. The highest eight hour average CO was less than

17 mg/m³. This level of carbon monoxide is at the threshold level where some degradation of delicate time discrimination might occur. The monitoring station was at 300 North Casino Center Boulevard. Phoenix has an automobile emissions problem. The data which was collected at a monitoring site was over two miles from the heart of downtown. In the past year monitoring sites have been established in the suburbs. The initial indication is that carbon monoxide levels in the suburbs are about one-half the levels measured at the downtown monitoring station.

These low level eight-hour readings will not produce other symptoms that have been found to occur with levels many times higher. Patients with coronary artery disease that showed an earlier onset of angina were exposed for 90 minutes to CO levels averaging 53 mg/m³ (5). These patients developed angina on exercising more rapidly than they did when they had not been exposed to CO. Such levels were not observed in the 1974 monitoring. Carbon monoxide air pollution is not a medical problem in Las Vegas.

The United States Court of Appeals for the Ninth Circuit in the case of the State of Arizona versus the Environmental Protection Agency noted on March 14, 1975:

"This Court believes that there exists a substantial question whether the Respondent Environmental Protection Agency, under the authority of 42 U.S.C. Par. 1857, et seq. as amended, can impose restrictions on indirect sources of emissions contributing to air pollution, such as parking lots and shopping centers, in the absence of substantial evidence demonstrating that restrictions on direct sources, both stationary and moving, will fail to achieve and maintain national primary and secondary ambient air quality standards."

There are a number of strategies that can be employed to control carbon monoxide vehicle exhaust emissions. These include mandatory inspection/maintenance of the vehicle (not just the pollution control equipment), improved traffic control (the idling or slow moving car pollutes more), improved mass transit, retrofit devices, car pool incentives, and a number of restrictive measures. The control of complex sources is a maintenance strategy that may or may not be needed depending the mix of primary strategies selected and the success in their application.

A vehicle emissions inspection program coupled with mandatory maintenance is the most effective strategy available. The catalytic converter has encountered problems that are being evaluated; if these problems can be solved it is very effective. This strategy places the emphasis on the source of the pollution: the automobile. Arizona studied the many tests that could be used and selected a "Steady State Cruise Mode Loaded Test". We do exhaust gas measurements at idle, and at 30 MPH and 50 MPH with the car in gear on a dynamometer. This testing program can be done in less than five minutes including inspection of the pollution control devices on the car. The cost of this inspection is less than \$5.00. Antique cars have been exempted from the program.

The pilot program used to establish the procedures, estimate costs, etc., tested over 7,000 cars. On initial inspection 40 percent of the vehicles tested failed, but 85 percent of those which failed the test needed only a simple carburetor adjustment, a new PCV, a new air cleaner, or release of a frozen heat riser. Thirteen percent needed a minor tune-up -- plugs, points, condensor, timing and carburetor adjustment. The remaining two percent had problems requiring major repairs.

During debate on this program, the cost to the consumer was repeatedly discussed. It is to be pointed out that 98 percent of the vehicles that failed the test would get improved mileage by being tuned to tolerance and that this savings would equal or exceed the cost of repair. For the two percent needing major repair, and since these vehicles more frequently belong to low income personnel, consideration could be given to exempting them from repair but identifying them as vehicles on which the title could not be transferred; i.e., the car could not be sold. This would allow the car to be driven until it finally was junked.

Even a clean car emits more pollutants when it is idling or moving slowly. The exploitation of all facets of traffic engineering is essential to moving traffic expeditiously with a minimum of delay.

Neither of these control strategies have been fully applied to Clark County. Until they have been applied it is an academic exercise, albeit a costly one, to calculate whether a complex source would contribute to delay in attaining the Nevada standard or cause a violation of the standard if it has been attained.

To this must be added the present delays that EPA is taking in implementation of the Federal complex source regulations. These regulations present many problems of interpretation, and require inordinate data collection or projection and the interpretation of which is not only difficult, but not universally accepted by the scientific community.

Further there are the bills in the Federal Congress that would amend the Clean Air Act to abolish complex source regulation.

For most regulations the construction industry is fully informed as to what they must do to qualify for a permit. The complex source regulations do not provide this specificity, but instead place upon the industry expensive studies, the cost of which must be passed to the consumer.

In summary, I cannot find evidence that carbon monoxide air pollution is a health hazard in Las Vegas. There is a need for a mandatory vehicle inspection/maintenance program. The EPA found no reason for single dwelling subdivisions to be subject to complex source regulation. The EPA has indicated further delay in implementing their present regulations.

I would urge caution and circumspection in whatever actions you take. If you are convinced that complex source regulation is necessary, do not go beyond the Federal regulations. In view of the delay in implementing those Federal regulations it may be that control of complex sources is not necessary. I must point out that the consultants to the Federal government go far beyond those available to Nevada. I urge that you limit your actions in such a manner that they will not be more restrictive to growth than those which the Federal agency applies to all areas of the Nation and not attempt to impose on Nevada's growth, restrictive measures intended for those overgrown metropolitan areas of 49 other states.

I would be happy to answer any questions my remarks might have suggested to you.

Thank you.

REFERENCES

1. Environmental News, EPA, Washington, D.C., 20466, April 30, 1971.
2. Federal Register, Volume 36, #84, Part II, page 8186.
3. Beard, R.R. and G.A. Wertheim - "Behavioral Impairment Associated with Small Doses of Carbon Monoxide", American Journal of Public Health, 57:2012-2022, November 1967.
4. Federal Register, Volume 39, #38, Part III, page 7270.
5. Aronow, Wilbert S., et al, Annals of Internal Medicine, Volume 75, #5, November 1972, pages 669-676.

LOUIS C. KOSSUTH, M.D., M.P.H.

Curriculum Vitae

Ex. E

1-308

Born at Wheeling, West Virginia

A.B. -- West Virginia University (Morgantown, West Virginia) 1935

M.D. -- Western Reserve University (Cleveland, Ohio) 1939

Masters in Public Health -- Harvard School of Public Health (Boston, Massachusetts) 1946

Twenty eight years as a Flight Surgeon with United States Air Force.
Significant positions were:

Chief of Preventive Medicine Division, Office of the Surgeon General, USAF, Washington, D.C.

Deputy Commander, USAF School of AeroSpace Medicine now at Brooks AFB, Texas

Commander, USAF Medical Service School, Gunter AFB, Alabama

Surgeon, North American Air Defense Command, Colorado Springs, Colorado

Physical disability retirement as Colonel, 1969.

Board certified in Public Health and Preventive Medicine, 1949 (founder member)

Assistant Commissioner for Health Programs, Arizona State Department of Health, September 1969 - February 1970

Commissioner of Health, Arizona, February 1970 - March 1974

President, American College of Preventive Medicine, 1959-1960

United States delegate to several international congresses concerned with public health

Fellow, American Public Health Association

Fellow, AeroSpace Medical Association

Member of nine professional associations

Numerous contributions to the professional literature on a wide range of preventive medicine subjects

Visiting lecturer to Harvard School of Public Health, University of Kansas, University of Alabama, and University of Arizona

Directorships in Phoenix Kiwanis Club and Arizona Health Systems
Development Corporation

1-309

Inventor of several pieces of equipment to assist in the safe removal
of injured personnel from wrecked vehicles

Have been consultant to: American Board of Preventive Medicine,
National Research Council and numerous ambulance and rescue
organizations

Today I appear as a consultant to the Southern Nevada Division of
the Associated General Contractors

My present position is that of consultant in preventive medicine

The League of Women Voters of Nevada recommends a vote to kill A.B. 480 as passage of this bill could have serious repercussions throughout the State. One serious problem that would be created relates to Section 1, page 1, lines 3 through 6, which place a restriction on enforcement of existing state regulations. In order to understand the problem, one must understand the workings of federal law. Under that law the State is required to adopt and enforce statutes and regulations that are adequate for both meeting and maintaining federal ambient air quality standards. These adopted statutes and regulations must then go through a process of review by the federal government for their approval. Once the regulation has been approved, it becomes enforceable by the federal government if the State fails in enforcement. The State regulations on complex sources, referred to in this bill as "indirect sources" have already been approved by the Federal gov E.P.A. and are, therefore, enforceable by them if the State refuses to do lthe job. It should be noted that the State and Clark County regulations on complex sources are identical in stringency and that one of the basic reasons for their adoption is to be able to lessen the impact of future growth on pollution from the automobile. It is not to prevent growth but rather is to review projects that could cause serious additions to the auto pollution problem by improper design of entrances and exits to parking lots, etc. The type problem to which we refer ~~is demonstrated by the~~ is demonstrated by the design of parking lots and traffic flow on Maryland Parkway at the Boulevard Shopping Center in Clark County. The bottleneck at that intersection and the entrances to the parking lot has created a problem of carbon monoxide levels above levels affecting human health. Federal regulations on complex or indirect sources that are applicable to prevention of a problem such as that simply do not exist as the Federal regulations are written to be applicable only to such things as a very large airports that would create an air pollution problem no matter where they were built. These particular lines are then an apparent attempt to prevent any actions to deal with the auto pollution problem. Placing this restriction on our State and local agencies would have the effect of undercutting much of the work done in the past two years by the State and local agencies and could possibly precipitate federal involvement in the enforcement process in this State. It could also hamstring the State in dealing with problems of auto pollution in the Tahoe area, in Washoe County, and in Clark County where the problem is becoming acute.

Section 2, page 1, lines 10 through 25, changes the terminology from complex sources to indirect sources and creates a broad definition eliminating

examples. The present definition in the law resulted from the first proposed definition by the federal government which was the only information we had at the time of the last legislative session. While the federal government now uses the "indirect source" terminology, they have already given approval of our definition as accomplishing the same thing. Changing the definition in the law would then accomplish nothing ~~but~~ but would involve the State and local governments in unnecessary expense of having to re-write regulations and hold public hearings to alter regulations containing the present definition and go through the whole process of federal approval on the change.

Section 3, page 2, lines 2 and 3 would have the effect of eliminating the authority of our less populated counties to have an air pollution control hearing board since many counties in our State do not have a District Health Board. It also could possibly create a problem in the re-structuring of the local government in Clark County since it could prevent the appointment of a hearing board by the County Commissioners if it were decided to put part or all of the air pollution control program under the County Commissioners.

The hearing board acts as a quasi-judicial body. It is the board which reviews orders and decisions of the Control Officer upon appeals, issues variances from regulations, and issues enforcement orders after contested public hearings. To require placement of a contractor on that board as proposed on Page 2, lines 11 through 13, is to require that a conflict of interest be placed on that board. This is the same thing as saying that a jury in a court case should be stacked in favor of one party to a suit. Certainly this is not in the public interest and approval of this provision would certainly not create public confidence in the Legislative body.

Finally, there is a Senate Bill 418 which relates to the subject matter contained in A.B. 480 but does not contain the objectionable features of A.B. 480. The League of Women Voters recommends killing A.B. 480, and if it is felt that changes are needed in the present law, that it be done through the Senate bill.

STATEMENT BY DONALD R. ARKELLAPRIL 14, 1975

My name is Donald R. Arkell, and I am the Director of the Air Pollution Control Division of the District Health Department in Clark County, Nevada.

I would like to express my appreciation for allowing me to testify before this legislative committee on Assembly Bill #480.

Generally this bill would prohibit enforcement of complex source review until similar regulations become effective at the federal level. It changes terminology of "complex sources" to "indirect sources", presumably to be consistent with federal regulations. It deletes the definition of complex sources by eliminating the examples of such sources. It removes the option of government bodies other than the District Board of Health from appointing the Local Air Pollution Control Hearing Board and requires that one member of the Hearing Board be a licensed general or building contractor. It further restricts local air pollution control agencies' authority to adopt standards of emission control, emergency and variance procedures for complex sources stricter than those established by statute or state regulations.

Generally we would oppose these amendments. Our position has been that complex or indirect source review should be an integral part of the process that builders and operators of large shopping centers and major hotels should go through prior to initiating construction. The primary purpose of this review process is to direct attention at potential traffic congestion and to minimize

-2-

subsequent build-up of air contaminants in the vicinity of these facilities, even if the primary source of CO and HC, the automobile, is controlled, the fact is that whenever large numbers of automobiles are concentrated in a localized area, there are still air quality problems. Adoption of state and local indirect source regulations was high on the list of priorities two years ago. State and local procedures have been established and have been ongoing for a year.

It is unclear as to why it has been proposed to eliminate districts or cities or counties from having authority to appoint an air pollution control hearing board. Some counties in the state do not have district boards of health. The proposed provision to include a contractor on the local hearing board represents a direct conflict of interest problem. Such a proposal is highly inconsistent with current trends in view of current concern for consumers and efforts to reduce the level of conflicts of interest on other boards such as the Dairy Commission. The District Board of Health has made extreme efforts to avoid such conflicts in its appointments of hearing board members. In fact, the engineer members of the Clark County Air Pollution Control Hearing Board have always been architectural or structural engineers, fields which have closely adhered to industry.

The provision to limit local authority to establish regulations more restrictive than those adopted by the State is in conflict with what we believe should remain as a local option. After public hearing in June of last year local board decided not to adopt the so-called more restrictive complex source regulations and adopt state equivalent. This decision was based on testimony given by the construction industry not to be more restrictive, but to adopt equivalent requirements, and wait and see if additional measures were required.

MEMORANDUM

Ex. 9

TO: Gill Blonsley
FROM: Don Arkell
SUBJECT: Proposed Legislation
DATE: April 9, 1975

1-314

Assembly Bill #480

This bill has been promoted by the construction industry and is aimed directly at limiting the Health Board's authority relating to complex sources. Generally, it would prohibit enforcement of complex source review until similar regulations become effective at the federal level. It changes terminology of "complex sources" to "indirect sources", presumably to be consistent with Federal Regulations. It deletes the definition of complex sources by eliminating the examples of such sources. It removes the option of government bodies other than the District Board of Health from appointing the local Air Pollution Control Hearing Board and requires that one member of the Hearing Board be a licensed general or building contractor. It further restricts local air pollution control agencies' authority to adopt standards of emission control, emergency and variance procedures for complex sources stricter than those established by statute or state regulations.

Generally we would oppose these amendments. The intent of Section 1 is clear. Since Congress has limited E.P.A.'s funding of indirect sources review, E.P.A. has delayed implementing these procedures until July 1, 1975. There are indications that an additional six months delay by E.P.A. is probable. There are serious moves in Congress to amend the Clean Air Act so that indirect sources are exempt from any review at all. Our position has been that complex or indirect source review should be an intricate part of the process that builders and operators of large shopping centers and major hotels should go through prior to initiating construction. The primary purpose is to direct attention at potential traffic congestion and subsequent build-up of air contaminants in the vicinity of these facilities. Adoption of state and local indirect source regulations was high on the list of E.P.A. priorities two years ago. State and local procedures have been established and have been ongoing for a year.

It is unclear as to why it has been proposed to eliminate districts or cities or counties from having authority to appoint an Air Pollution Control Hearing Board. Some counties in the State do not have district boards of health. The proposed provision to include a contractor on the local hearing board represents a direct conflict of interest problem. Such a proposal is highly inconsistent with current trends in view of

current concern for consumers and efforts to reduce the level of conflicts of interest on other boards such as the Dairy Commission. The District Board of Health has made extreme efforts to avoid such conflicts in its appointments of hearing board members. In fact, the member who is the engineer has always come from the construction related community. Mr. Turner and Mr. Brizendine being structural engineers and Mr. Shafer being an architectural engineer.

This amendment should be actively opposed. In our opinion, the attempt in Section 5, Subsection 2 to limit local authority to establish regulations more restrictive than those adopted by the State is in conflict with what we believe should remain as a local option. Environmental problems in Clark County and the Las Vegas Valley are more often than not more acute than they are throughout the rest of the State. More restrictive standards, as appropriate, are therefore justified.

This section, as proposed, would be confusing in any event, because paragraph (a) is restricted to standards of emission control, emergency procedures, and variance procedures. Complex source regulations involve none of these.

DRA:cm

STATEMENT OF RICHARD SERDOZ

ASSEMBLY BILL 480

APRIL 14, 3:00

THE AIR QUALITY SECTION OF THE BUREAU OF ENVIRONMENTAL HEALTH HAS REVIEWED ASSEMBLY BILL 480. WE FIND THAT WE CANNOT SUPPORT THE CONCEPTS CONTAINED IN THIS BILL.

THE STATE IMPLEMENTATION PLAN WHICH WAS PREPARED AND ADOPTED DURING 1971-1972 CONTAINED CERTAIN CONTROL STRATEGIES TO IMPROVE THE AMBIENT AIR QUALITY IN LAS VEGAS VALLEY THROUGH THE USE OF IMPROVED HIGHWAYS, EMISSION INSPECTIONS OF AUTOMOBILES, INCREASEDLY STRINGENT POINT SOURCE CONTROL. THESE PROGRAMS HAVE BEEN IMPLEMENTED, BUT THE AIR QUALITY HAS NOT IMPROVED SINCE THE ORIGINAL MEASUREMENTS WERE TAKEN DURING 1972. THE HIGHEST CONCENTRATIONS IN 1972 FOR TOTAL OXIDANTS WAS 25% LOWER THAN THE CONCENTRATIONS IN 1974. THE ONLY ENCOURAGEMENT WE RECEIVED WAS THAT THE TOTAL NUMBER OF HOURS THAT THE HEALTH RELATED STANDARD WAS VIOLATED WAS REDUCED. THE CARBON MONOXIDE SINGLE HOUR CONCENTRATION INCREASED 46% FROM 1972 TO 1974. HOWEVER, THE 8-HOUR MAXIMUM CONCENTRATION WAS REDUCED BY 25%. WHEN WE LOOK TO OUR OTHER METROPOLITAN AREA WE FIND THAT WE HAVE A DIFFERENT PROBLEM THAT IS BECOMING MORE AND MORE RELEVANT; THIS IS THE CARBON MONOXIDE STANDARD IS BEING INCREASEDLY VIOLATED. IN FACT,

THE NUMBER OF VIOLATION OCCURRENCES IN 1973 EXCEEDED THE NUMBER OF VIOLATIONS THAT OCCURRED IN SACRAMENTO. FROM THIS INFORMATION YOU CAN SEE THAT IT IS NECESSARY THAT MAJOR MOTOR VEHICLE ATTRACTORS NEED TO BE REVIEWED AND SUCH ENVIRONMENTAL CONSIDERATION BE INCORPORATED INTO THEIR DEVELOPMENT TO REDUCE OR MINIMIZE THE VIOLATION OF THE HEALTH RELATED STANDARDS.

THIS TYPE OF REVIEW HAS BEEN IMPLEMENTED ON SOME MAJOR NEW PROJECTS DURING THIS FISCAL YEAR. SUCH PROJECTS AS THE LAS VEGAS FASHION CENTER, THE K-MART SHOPPING CENTER AND THE TAHOE PALACE, ONE OF THE MAJOR HOTELS PROPOSED TO BE CONSTRUCTED IN THE LAKE TAHOE BASIN. THIS REQUIREMENT OF AN AIR POLLUTION REVIEW MEANT THAT CLOSE COORDINATION WAS IMPLEMENTED WITH THE DEVELOPER, THE PLANNING AGENCIES AND THE REGIONAL AND STATE HIGHWAY DEPARTMENTS. STAFF FIRMLY BELIEVES THAT THOSE PROJECTS WILL NOT CAUSE LOCALIZED CONDITIONS WHERE THE HEALTH RELATED AMBIENT AIR QUALITY STANDARDS WOULD BE VIOLATED. I HAVE ATTACHED TO MY COMMENTS A SUMMARY OF VARIOUS CITIES AND THE AUTOMOTIVE RELATED POLLUTION COUNTS FOR YOUR REVIEW.

I WOULD LIKE SPECIFICALLY NOW TO TALK ABOUT ASSEMBLY BILL 480.

SECTION 1: DURING THIS LAST BIENNIUM, HEARINGS WERE ¹⁻³¹⁸ HELD AND THE ENVIRONMENTAL COMMISSION ADOPTED COMPLEX SOURCE REGULATIONS. THESE REGULATIONS HAVE BEEN FULLY IMPLEMENTED. THE ADOPTED REGULATIONS HAVE BEEN ADOPTED AND APPROVED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY. I WOULD ASSUME THAT SINCE THEY HAVE BECOME EFFECTIVE THROUGH THE FEDERAL REGULATIONS BY THE EPA, IT WOULD MAKE SECTION 1 MUTE.

SECTION 2: THE CHANGING OF THE NAME OF COMPLEX SOURCE TO INDIRECT SOURCE HAS LITTLE IMPLICATION. EITHER CONNOTATION REFLECTS THAT THESE SOURCES "ATTRACT" AUTOMOBILES AND BY ATTRACTING AUTOMOBILES CAUSE LOCALIZED HIGH POLLUTION CONCENTRATIONS AND WITHOUT PROPER CONSIDERATION, WILL CONTINUE TO CAUSE VIOLATIONS OF THE HEALTH RELATED AMBIENT AIR QUALITY STANDARDS.

SECTION 3: I DO NOT UNDERSTAND WHY THE "DISTRICT BOARD OF HEALTH" HAS BEEN ESTABLISHED AS THE ONLY AGENCY FOR DEVELOPING A LOCAL AIR POLLUTION CONTROL PROGRAM. I WOULD BELIEVE THAT THIS SHOULD BE THE RESPONSIBILITY IF IT IS DESIRED OF ANY LOCAL ELECTED GOVERNMENTAL AGENCY. IT IS ALSO APPARENT FROM THE AMENDMENTS IN PART 2 OF THIS SECTION THAT A QUASI ADMINISTRATIVE-JUDICIAL BOARD IS GOING TO HAVE A DIRECT CONFLICT OF INTEREST BY A MEMBER OF THAT BOARD BEING FROM THE SPECIALIZED FIELD OF CONSTRUCTION AND DESIGN OF A COMPLEX SOURCE.

SECTION 5 OF THE BILL INDICATES THAT THERE IS A DISTINCTION BETWEEN REGULATIONS OR STANDARDS FOR INDIRECT SOURCES REVIEW AND POINT SOURCE REVIEW. I BELIEVE IT IS A MISUNDERSTANDING IN THAT THE REGULATIONS OR REVIEW PROCEDURES HAVE NOT BEEN STRICTER AT THE LOCAL LEVEL THAN THE STATE REGULATIONS, ONLY THE SIZE OF THE SOURCE THAT IS REQUIRED TO BE REVIEWED. THIS LEGISLATED RESTRICTION HAS SERIOUS IMPLICATIONS IN THAT CERTAIN AREAS MAY ALREADY DIRTY AIR AND NEED MORE STRINGENT REGULATIONS IN THESE LOCALIZED AREAS UNTIL THE HEALTH RELATED STANDARDS ARE AT LEAST ATTAINED. ONE MAJOR CONCEPT WHICH SHOULD BE CONSIDERED BY THIS COMMITTEE IS THAT COMPLEX SOURCE REVIEW ALLOWS CONTINUAL GROWTH. WITHOUT THIS TYPE OF REVIEW MAJOR FEDERAL REGULATORY CONTROL STRATEGIES SUCH AS PARKING MANAGEMENT, TAXES ON PARKING SPACES, AND OTHER HIGHLY CONTROVERSIAL PLANS MAY BE IMPOSED BY THE FEDERAL EPA WHICH WILL MATHEMATICALLY SHOW ATTAINMENT OF THE FEDERAL AMBIENT AIR QUALITY STANDARDS IN A RELATIVELY SHORT PERIOD OF TIME.

I ALSO REALIZE THAT THERE MAY BE AMENDMENTS TO THE FEDERAL CLEAN AIR ACT IN THE NEAR FUTURE; HOWEVER, I DO NOT BELIEVE THAT THE CONCEPT WILL BE ELIMINATED BUT ONLY DELAYED TO ALLOW TIME FOR ATTAINMENT OF THE FEDERALLY MANDATED AMBIENT AIR QUALITY STANDARDS, AND THESE COMPLEX SOURCE REGULATIONS WILL BE AN AID IN THE ATTAINMENT OF BOTH THE STATE AND FEDERAL AMBIENT AIR QUALITY STANDARDS.

The information contained in this summary is as published in "EPA-450/1-74-007; Air Quality in the Tahoe Basin, Summer 1973", or a special lead study by Nevada staff.

	<u>Incline</u>	<u>Stateline</u>	<u>Sacramento</u>	<u>Los Angeles</u>
<u>Oxidant</u>				
No. samples	550*	650*	7,907	8,316
Violations	0	0	355	44
Highest reading	.07 ppm	.08 ppm	.215 ppm	.235 ppm
Annual average	.04 ppm	.02 ppm	.09 ppm	.11 ppm
<u>Carbon Monoxide</u>				
No. samples	550*	650*	8,605	8,605
Violations - 1 hr.	0	0	0	8
8 hr.	0	0	5	1,223
Highest reading -				
1 hr.	2 ppm	13 ppm	18 ppm	43 ppm
8 hr.	5 ppm	6.7 ppm	11.6 ppm	32 ppm
Annual average	1	2.6	2	6
<u>Lead Particulate - California data (Nevada data)</u>				
No. samples	6*(0)	7*(30)		
Violations	0	1 (0)		
Highest month	.203 (-) $\mu\text{g}/\text{m}^3$	1.72 (1.08) $\mu\text{g}/\text{m}^3$		
Annual average	- (-)	- (.64) $\mu\text{g}/\text{m}^3$.49 $\mu\text{g}/\text{m}^3$.95 $\mu\text{g}/\text{m}^3$
<u>Dust - California data (Nevada data, as reported to EPA)</u>				
No. samples	6*(60)	7*(54)	50	73
Violations -				
Health	1 (0)	0	0	2
Welfare	2 (1)	0 (1)	1	14
Highest reading	277 (153) $\mu\text{g}/\text{m}^3$	100 (179) $\mu\text{g}/\text{m}^3$	201 $\mu\text{g}/\text{m}^3$	270 $\mu\text{g}/\text{m}^3$
Annual geometric mean	- (26) $\mu\text{g}/\text{m}^3$	- (58) $\mu\text{g}/\text{m}^3$	78 $\mu\text{g}/\text{m}^3$	125 $\mu\text{g}/\text{m}^3$

*Reading taken during summer visitor period.

The information contained in this summary is as published in "EPA-450/1-74-007", or "Air Quality in the Tahoe Basin, Summer 1973".

	<u>Reno</u>	<u>Las Vegas</u>	<u>Indio</u>	<u>Palm Springs</u>
<u>Oxidant</u>				
No. samples	8,620	7,711	8,508	7,030
Violations	1	799	1,149	1,209
Highest reading	.11	.25	.22	.304
Annual average	.03	-	-	-
<u>Carbon Monoxide</u>				
No. samples	8,244	7,700*	8,498	5,078
Violations - 1 hr.	0	1	0	0
8 hr.	260	9	5	0
Highest reading - 1 hr.	25 ppm	50 ppm	22 ppm	7 ppm
8 hr.	18 ppm	13 ppm	9 ppm	5.9 ppm
Annual average	4 ppm	4 ppm	3 ppm	1 ppm
<u>Dust - California</u>				
No. samples	61	52	58	
Violations - health	1	1	2	
welfare	8	4	14	
Highest reading	.274	.367	1,173	
Annual geometric mean	98	78	<150	

*1974 data.

TRAFFIC/GROWTH

	<u>Peak</u>	<u>Average</u>
<u>Tahoe Palace</u>		
Vehicle trips - daily	10,610	8,880
Peak hour	600	
Number of vehicles - daily	5,305 (casino 3,050)	4,440
	12% Growth	
	5% Total vehicles in Basin	
 <u>Hotel Oliver</u>		
Vehicle trips - daily	11,505	9,660
Peak hour	490	
Number of vehicles - daily	5,752 (casino 3,182)	4,830
	14% Growth	
	5.6% Total vehicles in Basin	
 <u>Total of All Nevada Development as South Shore</u>		
Vehicle trips - daily	119,965	99,765
Number of vehicles - daily	59,982	49,882
	59% Total vehicles in Basin	
 <u>Total of All South Shore Nevada Casino Associated Development</u>		
Vehicle trips - daily	83,915	
Number of vehicles - daily	41,957	
	41% Total vehicles in Basin	
 <u>Total of All South Shore Gaming Related Visitors</u>		
Number of vehicles - daily	23,536	
	23% Total vehicles in Basin	
 <u>California - ARB 1973 Report</u>		
1971	60,500 vehicles - peak daily	91,000 persons
1980	101,800 vehicles - peak daily	311,000 persons
Growth	68% vehicles	242% persons

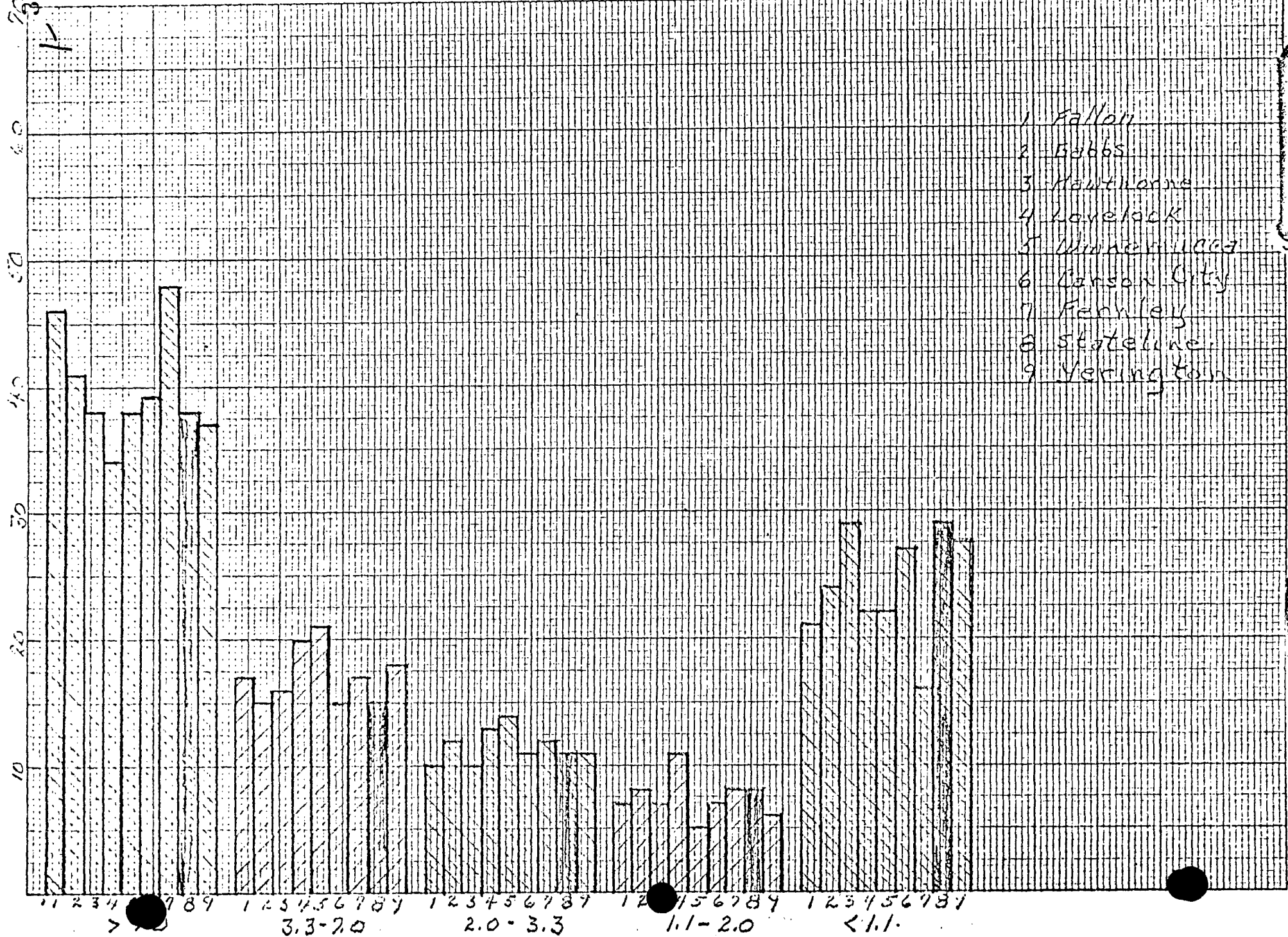
If the growth of visitors to vehicles was maintained, 157,880 persons arrived in other than an automobile, or 72% of the growth in visitors.

PARTICULATE MATTER AND LEAD CONCENTRATIONS
AT STATELINE, NEVADA

NBEH Data - Fiberglass Filters

Date	Particulate Matter ₃ Concentration - ug/m ³	Lead Concentration ug/m ³
7/3/73 (Tuesday)	69	1.08
7/15/73 (Sunday)	79	1.14
7/21/73 (Saturday)	58	1.04
8/26/73 (Sunday)	49	1.03
9/1/73 (Saturday)	68	1.06
12/6/73 (Thursday)	32	.825
12/12/73 (Wednesday)	14	.214
12/18/73 (Tuesday)	139	.838
12/24/73 (Monday)	35	.929
12/30/73 (Sunday)	179	1.248
1/5/74 (Saturday)	18	.503
1/11/74 (Friday)	67	.972
1/17/74 (Thursday)	61	.444
1/23/74 (Wednesday)	68	.512
1/29/74 (Tuesday)	113	.865
2/4/74 (Monday)	113	.239
2/10/74 (Sunday)	48	.917
2/16/74 (Saturday)	68	.613
2/22/74 (Friday)	50	.281
2/28/74 (Thursday)	69	.208
3/6/74 (Wednesday)	53	.194
3/12/74 (Tuesday)	33	.173
3/18/74 (Monday)	74	.358
3/24/74 (Sunday)	64	.646
3/30/74 (Saturday)	20	.334
4/5/74 (Friday)	92	.849
4/11/74 (Thursday)	80	.687
4/17/74 (Wednesday)	75	.442
4/23/74 (Tuesday)	46	.296
5/7/74 (Monday)	55	.493

Ex 4
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- 1 Fallon
- 2 Babbs
- 3 Hawthorne
- 4 Lovelock
- 5 Winnemucca
- 6 Carson City
- 7 Fernley
- 8 Stateline
- 9 Yerington

Regulations) should be repealed and preferably a new regulation substituted which conforms to the Federal concept and definition of "INDIRECT SOURCES".

The definition of a complex source in the Nevada Statutes and Nevada Air Quality Regulations was taken from a regulation proposed by the U. S. Environmental Protection Agency. The definition was changed in the final regulation adopted by the U. S. Environmental Protection Agency. Instead of "complex source" it was called an "Indirect source" in order to conform to the concept limiting those activities to emissions resulting from mobile source activities.

The definition and activities in the final regulation adopted by the U. S. environmental Protection Agency is found in Section 52.22(b)(i), which reads as follows:

" (i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

- (a) Highways and roads.
- (b) Parking facilities.
- (c) Retail, commercial and industrial facilities.
- (d) Recreation, amusement, sports and entertainment facilities.
- (e) Airports
- (f) Office and Government buildings.
- (g) Apartment and condominium buildings.
- (h) Education facilities. "

* There is no mention of sewer, water, power and gas lines.