

SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES

Minutes of Meeting
Wednesday, May 7, 1975

The meeting was called to order at 6:40 p.m. on Wednesday, May 7, 1975, by Senator Thomas Wilson.

PRESENT: Chairman Thomas R. C. Wilson
Senator Richard Bryan
Senator Richard Blakemore
Senator Mary Gojack
Senator Gary Sheerin
Senator Joe Neal
Senator Carl Dodge

S.J.R. 30 MEMORIALIZES CONGRESS TO RECOGNIZE THE RIGHTS AND RESPONSIBILITIES OF THE STATES IN THE AREA OF FEDERAL EMISSION CONTROL STANDARDS

Richard Serdoz of the Division of Environmental Health testified that he was not in favor of S.J.R. 30. He felt the catalytic converter has not been proven ineffective. There is testimony in the U.S. Senate that indicates there is no proven health effects from sulfate being emitted, only conjecture.

S.J.R. 31 MEMORIALIZES CONGRESS TO ESTABLISH A SCIENTIFIC STUDY PANEL TO EXAMINE EMISSION CONTROL SYSTEMS AND ALL THE RAMIFICATIONS OF SUCH SYSTEMS

Richard Serdoz felt with minor amendments the resolution would be acceptable. Said Line 11 "agency" should be spelled out Environmental Protection Agency. Lines 5-8 regarding emission standards for new cars, Mr. Serdoz stated that EPA has set standards for all new cars. In response to Sen. Wilson's question of whether compliance is feasible, Mr. Serdoz said it is feasible but not economical.

Lines 11-13-Mr. Serdoz felt it was accurate except on line 13 the word "dangerous" is questionable, that it was only considered dangerous in high concentrations. Lines 14-15-concerning problems with catalytic converters, Serdoz says there is insufficient evidence to say as a fact that is true. Lines 16-19 concerning the economic costs associated with efforts to reduce air pollution, Serdoz was in agreement. Line 20--he felt should be amended to say "auto emissions" in air standards.

A.B. 644 AUTHORIZES PUBLIC SERVICE COMMISSION TO INCREASE ASSESSMENT
ON PUBLIC UTILITIES AND GENERAL IMPROVEMENT DISTRICTS.

Mr. Noel Clark of Public Service Commission, said this bill would increase the operating fund in the Commission to preclude running in a deficiency in the future. The bill proposes a 1 mill increase. They would only intend to increase by 1/2 mill the first year, the second year the full mill. He stated PSC is a totally self-supporting agency, the mill tax providing this funding. In response to the committee's concern about being passed on to the consumer, Mr. Clark felt effective regulations and rules of the Commission were necessary to keep costs down and if not funded adequately cannot provide the services that should be.

A.B. 142 ADJUSTS FEES FOR HUNTING AND FISHING LICENSES, TAGS, AND
PERMITS

EXHIBIT A--Statement by Glen Griffith, Department of Fish and Game in support of bill.

Mr. Griffith asked the committee to adjust the non-resident fishing license fee to a total of \$20. The increase in the fees proposed in the bill would be to cover the salary increases being considered and to offset other cost increases. In response to Sen. Bryan's question re: Section 3 repealing 505.020, Mr. Griffith stated it deals with fur dealers agents which is obsolete.

A. B. 143 CHANGES MANNER OF COMPENSATING FISH AND GAME LICENSE AGENTS AND PROVIDES FOR REVOKING LICENSE AGENT'S AUTHORITY FOR BREACH OF REGULATIONS

EXHIBIT B Statement by Glen Griffith in support of bill.

Sen. Bryan asked if there was not an inconsistency in page 2 lines 31-40 and Section 1, page 1 lines 8-13 regarding the amount retained by the agent and department. Mr. Griffith explained the first page refers to boats, the second page refers to license tags and stamps. The committee questioned the deletion of 5 percent on line 10 and making it 10 percent. They felt the wording "nor more than 25 cents" would negate the 10 percent.

A.B. 552- PROVIDES FREE HUNTING AND FISHING LICENSES FOR DISABLED VETERANS.

EXHIBIT C--Statement by Glen Griffith on bill.

Sen. Sheerin pointed out that this bill limits the eligibility of someone who entered the service from the State of Nevada and questioned limiting it to those from this state inasmuch as they all served the same country. Mr. Griffith said no one has been able to determine just how much impact this would have because there is no way to determine how many people would be involved. He said the legislature would have to determine who's responsibility it is to subsidize this program. Sen. Dodge mentioned the Legislature had given the disabled veterans property tax exemption which was similarly worded and changed last session.

A.B. 590 MAKES COMPLETION OF NEVADA DEPARTMENT OF FISH AND GAME'S COURSE IN SAFE FIREARM HANDLING A PREREQUISITE TO OBTAIN A HUNTING LICENSE IN CERTAIN CIRCUMSTANCES.

EXHIBIT D--Statement by Glen Griffith in support of bill.

This would apply to any person convicted of carrying a loaded long gun in a vehicle or discharging a firearm over or across highways or country roads. They would lose their license and would have to take this course in order to obtain a new hunting license. This course is presently mandated for junior hunters.

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A.B. 480 CHANGES TERMINOLOGY RESPECTING CERTAIN AIR POLLUTION SOURCES
AND MODIFIES REQUIREMENTS FOR THEIR REGULATION

EXHIBIT E--Revisions to Federal Regulations for air quality standards for Nevada (March 1975).

EXHIBIT F--Maintenance of standards - Federal Regulations (July, 1974)

EXHIBIT G--Testimony by Allan Bruce representing the Associated General Contractors and the Construction Advisory Council of Southern Nevada in support of A.B. 480.

Responding to questions regarding the make-up of the board, Mr. Bruce said new language requires two members from each entity which parallels present membership of District Board of Health and would appoint one member as general engineering contractor or building contractor making an 11 member board rather than 5 member board appointed by District Board of Health.

EXHIBIT H--Submitted from Rowland Oakes, Associated General Contractors concerning water, power and gas lines. Mr. Oakes said EPA feels there is no impact and pointed out construction volume was down considerable from previous years with a loss of 34% so far this year compared to last year.

EXHIBIT I--Statement of Dr. Louis C. Kossuth in support of bill.

EXHIBIT J--Testimony of Irene Porter, Director of Planning for City of North Las Vegas in support of A.B. 480.

Dr. Thorne Butler, a member of Nevada Southern Environmental Commission and the Clark County Hearing Board stated the Commission voted unanimously to oppose A.B. 480.

The purpose of opposition is full disclosure when something is built. It is not the intent to stop building growth by requiring disclosure of what is going to happen to ambient air standards. Review, however, permits evaluation of the environmental impact in the area and he felt it is better

to identify the problem first and develop ways to solve the problem before it happens. In some areas there is a great deal of impact while there is no impact at all in other areas, but it tells where it is if there is any impact.

Regarding the make-up of the board, Dr. Butler stated people who are interested or have expressed an interest are appointed to a fixed period of time by the District Board of Health.

He pointed out the dust problem to which building contributes significantly and the necessity to make them control it.

Senator Dodge asked if EPA regulations apply to individual situations or are the same nationwide. Dr. Butler said they direct the states with guidelines which they have the right to review. They have primary standards to protect health and secondary standards to protect public welfare, aesthetics, etc. You cannot exceed certain levels. "Criteria for review" is what is more stringent--to disclose the problems. If impact on ambient air standards, something would have to be done and County and State's regulations are the same.

Daisy Talvitie, testifying against the bill, said some of the standards of the laundry list is the same as the existing federal laundry list. The federal definition does not limit itself to carbon monoxide. She felt each situation has to be evaluated individually to see if there is a local impact. Air pollution does not stay where it is emitted--may spread out and pollute larger areas. She said Clark County is about to be declared an Air Quality Maintenance Area. When you are declared a maintenance area, measures must be developed with the growth of the area to maintain standards. With projected growth if the Federal Government cut the requirements down, the projection shows it will not be enough. The indirect source regulations are an attempt at prevention. A public hearing is required before the County and State regulations are adopted. Local regulations have been submitted to EPA and accepted and would have to be re-submitted to lower them.

She also expressed opposition to proposed make-up of board. Wants it left as it is, i.e., appointed by District Board of Health by agreement.

Mr. Harry Keiser from Las Vegas expressed support of the bill, saying present regulations delay construction.

EXHIBIT K--In-depth comment on A.B. 480 by Washoe County District Health Department

EXHIBIT L--Comments by Brian Wright, representing Washoe County District Health Department in opposition to the bill.

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EXHIBIT M--Testimony of Richard Serdoz in favor of the bill.

John Collins, Sierra Environmental Monitoring Service, in opposition to the bill stated his firm has been involved in complex evaluations requested by clients and developers aware of regulations. He said every project evaluated would have been in violation but were rectified in advance by increased traffic flow, changes in parking garages, etc., because of evaluation. Existing regulations and evaluations before will show improvements to projects.

Mr. Jack Kenny, Southern Nevada Home Builders expressed support for the bill. He felt comments against the bill are about anticipatory regulations and tend to cloud the issue. He stated one of the problems would be to keep the State Board from making more regulations and higher standards if not regulated by this bill this session.

Don Arkell, Director of Air Pollution and Control Division of the Clark County Health Department, said EPA has approved SIP (State Implementation Plan) revisions incorporating complex sources for Nevada. Those requirements are now federal requirements. If we fail to implement SIP, EPA is empowered to do it for us. Federal indirect source regulations have been in effect since early 1974. The date of enforcement has been changed from January 1975 to July 1975.

The proposed restriction of "strictness" presumably would tie us directly to the Federal Regulations. We already must be equivalent. Federal size cutoff designations which trigger review process are for projects so large that significant impact may occur regardless of location. States may adopt smaller size cutoff designations so that a greater number of projects

570

Page 4

in more polluted areas are reviewed. We think Nevada should retain that option.

Defining complex or indirect sources as those causing activity which emits only carbon monoxide is also believed to lead to conflict. It is true that EPA has confined its review procedures to analysis of effects on CO concentrations except for airports and highways. Passage of this bill could invite direct federal review of airports, highways for OX., NO₂ effects and may include other motor indirect source categories, as the techniques of predicting OX and NO₂ effects.

Regarding the hearing board, his objections to the bill are 1) too large to handle efficiently administratively, present 5 man board or an expanded 7 man board would be as effective. 2) Board may be stacked in favor of one industry. Expertise already has been built in by requiring an attorney and engineer. Distinction should be made that District Health Board does not make regulations. It is a quasi-judicial board which makes decisions on enforcement and appeals based upon the facts brought before it. 3) Terms of service which is presently three years should be retained. The number of consecutive terms could be limited if you desire.

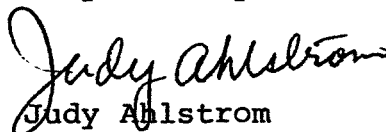
EXHIBIT N--Chart of Complex Sources-comparison of local, state and federal regulations.

EXHIBIT O--List of Federal bills introduced.

Mr. Harry Banner, Northern Nevada Sheet Metal Contractors, stated support of the bill.

There being no further business, the hearing was adjourned at 10 p.m.

Respectfully submitted,


Judy Ahlstrom

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Exhibit A

STATEMENT BEFORE
the
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES

571

Relative to A.B. 142 by Nevada Department of Fish and Game

Mr. Chairman, A.B. 142 proposes to make a number of minor and substantial increases in our license fee structure. This has become necessary due to the increased cost of doing business. Most of the other fish and game departments across the nation are in the same dilemma and are seeking license increases. In fact we understand that the Utah Division of Wildlife Resources not only received a license increase but were granted a general fund appropriation of \$1.2 million to offset increased costs.

The Assembly Committee on Environment and Public Resources has amended A.B. 142 calling for a \$2.50 Junior Hunting License, a \$2.50 Junior Fishing License and a \$4.00 Junior Combination License. In this case it is not possible to have only a combination license due to the hunter safety requirements.

Also, the Assembly Committee amended the senior citizen eligibility to 10 years and \$2.50 to hunt and fish. Your action on S.B. 117 is in concert with this eligibility and fee schedule.

The department recommended that line 45 be deleted leaving this class of tag up to commission authority and they accepted that recommendation.

Initially, A.B. 142 was estimated to generate approximately \$350,000 based upon 1974 sales. The Assembly amendments will result in a small additional amount of income.

There is one other adjustment you might consider if the Assembly would concur. That would be to amend Line 15, Page 2 by increasing the non-resident fishing license by \$5.00 to a total of \$20.00.

If A.B. 142 passes and if sales equal 1974 volume, the increase in income would not be available to the department until fiscal year 1976. Of

the estimated \$350,000 approximately \$285,000 would be needed to cover the 15% salary increase now being considered. Part of the balance will be needed to offset other cost increases.

572

Needless to say, we recommend acceptance of the Assembly amendment, and passage of this bill.

RESIDENT LICENSE AND TAG FEES

compiled 12/74

STATE	ANNUAL COMBINATION	ANNUAL ANGLING	SALMON-STEELHEAD TAG	TROUT STAMP	ANNUAL HUNTING	DEER TAG	ELK TAG	BEAR TAG	PHEASANT TAG
ARIZONA	12.00	4.00		2.00	7.00	4.00	20.00	2.00	
CALIFORNIA		4.00	2.00 (INCL. ³⁰⁰ TROUT)	²⁰⁰ 1.00 (INLAND WATER)	6.00 ¹⁰⁰⁰	2.00 ³⁰⁰	25.00	1.00	2.00
COLORADO	7.50 ¹²⁰⁰	6.00 ⁸⁰⁰			4.00 ⁶⁰⁰	10.00 ¹⁵⁰⁰	12.50 ²⁵⁰⁰	5.00 ¹⁰⁰⁰	
IDAHO	10.00	6.00	2.00 (SAL) 2.00 (ST)		5.00	4.00	8.00	2.00	
MONTANA	3500 ²⁰⁰⁰	5.00			2.00 ⁵⁰⁰	3.00 ⁷⁰⁰ 500	3.00	5.00	
NEVADA	14.00 ¹⁷⁰⁰	7.50 ¹⁰⁰⁰			7.50 ⁸⁵⁰	5.00	15.00 ¹⁵⁰⁰		200
NEW MEXICO	12.00	5.50		3.00	9.00	7.50	15.00		
OREGON	10.00 ¹⁵⁰⁰	6.00 ⁹⁰⁰	1.00 (SAL & ST)		5.00 ⁷⁰⁰	2.00 ⁴⁰⁰	10.00 ¹²⁰⁰	2.00	
UTAH	10.00 ²⁰⁰⁰	5.00 ¹⁰⁰⁰			750 5.00 (BG) 4.50 (SG) 600	5.00	15.00	1.00	
WASHINGTON	12.00 ¹⁴⁰⁰	7.50 ⁸⁵⁰	2.00 (ST)		6.50 ⁷⁵⁰	3.00 ⁵⁰⁰	10.00 ¹¹⁰⁰	2.00 ³⁰⁰	2.00
WYOMING	6.00	5.00			3.00 (SG) 5.00 (BIRD)	10.00 (INCL. BEAR)	15.00 (INCL. BEAR)	5.00	

NONRESIDENT LICENSE AND TAG FEES

compiled 12/74

STATE	ANNUAL ANGLING	SHORT TERM ANGLING	TROUT STAMP	SALMON-STEELHEAD TAG	ANNUAL HUNTING	DEER TAG	ELK TAG	BEAR TAG	PHEASANT TAG
ARIZONA	12.00	2.00 1-DAY 3.00 3-DAY	8.00		30.00	30.00	75.00	25.00	
CALIFORNIA	15.00	5.00 10-DAY	1.00 (INLAND WATER)	2.00 (INC. TR)	35.00	25.00		1.00	2.00
COLORADO	10.00 ^{20⁰⁰}	5.00 10-DAY			15.00 ^{20⁰⁰}	50.00 ^{75⁰⁰}	75.00 ^{125⁰⁰}	25.00 ^{50⁰⁰}	
IDAHO	20.00	3.00 1-DAY 7.00 7-DAY		2.00 (SAL) 2.00 (ST)	50.00	35.00	100.00	15.00	
MONTANA	20.00	2.00 1-DAY 10.00 6-DAY			25.00 ³⁰ (BIRD)	35.00 ⁵⁰⁻	125.00 ^{151.00}	35.00	plus 50 / ^{1/2} to obtain deer and elk tag.
NEVADA	15.00	3.00 ^{5.00} 2-DAY 5.00 5-DAY 7.50 ^{10.00}			35.00 ^{40⁰⁰}	50.00			
NEW MEXICO	10.00	2.00 1-DAY 5.00 5-DAY	3.00		17.00 (BIRD)	50.25	75.00		
OREGON	20.00 ^{25⁰⁰}	2.50 1-DAY 10.00 10-DAY		1.00 (SAL&ST)	50.00	15.00 ^{20⁰⁰}	35.00	25.00	
UTAH	15.00 ^{25⁰⁰}	2.50 ^{2.00} 2-DAY 5.00 5-DAY 7.50			20.00 (SG)	75.00 (BG)			
WASHINGTON	20.00	6.00 7-DAY		2.00 (ST)	50.00	3.00	35.00	2.00	2.00
WYOMING	25.00	5.00 5-DAY 12.50 30-DAY			25.00 (BIRD)	50.00	125.00	30.00	

Exhibit B

STATEMENT BEFORE
the
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES

575

Relative to A.B. 143 by Nevada Department of Fish and Game

Mr. Chairman, we initially requested this bill to change the license agents' commission structure from one where the commission is credited the agent by deducting from the value of the document sold to where a service fee would be added to the established license fee and be retained by the agent.

The Assembly Committee on Environment and Public Resources has amended this bill to require that the service fee still be within the established fee of the license.

While A.B. 143 will not change the intent of NRS 502.040 as presently written, it will improve upon the wording and bring in tags as being subject to a service fee even though a commission has been given on tags over the past years. We would recommend passage of A.B. 143.

Exhibit C

STATEMENT BEFORE
the
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES

Relative to A.B. 552 by Nevada Department of Fish and Game

576 !

Mr. Chairman, A.B. 552 which provides free hunting and fishing licenses for disabled veterans is not a fish and game sponsored bill. However, we do not object to this segment of the population receiving this consideration. The disability described in 38 U.S.C. Sec. 801 is for all practical purposes 100% disability. The loss includes no use or loss of both lower extremities or blindness to a specified degree plus loss or loss of use of one lower extremity, as examples.

The regional office of the Veterans Administration has no estimate of the number of eligibles. We do not feel it would be a significant number as the disability requirement and proof of residency at the time of entering service will be the determining factor.

Administratively, it is an additional license class to handle and your committee action on S.B. 462 has provided us with a means of administering this license.

Our only reservation is that the next session will see an effort made to reduce eligibility to a lower level and eventually we will end up with a definition of disability that is difficult to administer.

STATE OF NEVADA
DEPARTMENT OF FISH AND GAME

Proposed Legislation
April 10, 1975

SUBJECT: A.B. 590 - An ACT relating to hunting licenses; makes successful completion of the course in safe firearm handling a prerequisite to issuance of a hunting license to persons convicted of certain firearm offenses.

This ACT provides that any person who has been convicted of (a) carrying a loaded rifle, shotgun in or on vehicle on or along public way (NRS 503.165); or (b) discharging firearm from, over federal or state highway (NRS 503.175) shall not be issued a hunting license until he has successfully completed a course in safe firearm handling.

The preceding sections, 503.165 and 503.175, were added to the Nevada Revised Statutes in 1969 and the penalty upon conviction was \$50 to \$500, or a jail sentence of not more than 6 months, or by both fine and imprisonment.

A summary of enforcement activities follows:

<u>Fiscal Year</u>	<u>Fines/Bail Forf.</u>		<u>Warn.</u>	<u>Dism.</u>	<u>Juv. Court</u>	<u>Other</u>	<u>Not Guilty</u>	<u>Total</u>
	<u>No.</u>	<u>Amount</u>						
<u>NRS 503.165</u>								
1973-74	96	\$4,885	2	1	5	--	--	104
1972-73	54	2,710	3	3	3	--	--	63
1971-72	79	3,900	12	1	10	--	--	102
1970-71	76	3,880	33	3	3	1	1	117
1969-70	29	1,400	57	1	1	--	1	89
5-year Average	67	3,355	21	2	4	--	1	95

<u>Fiscal Year</u>	<u>Fines/Bail Forf.</u> <u>No.</u> <u>Amount</u>	<u>Warn.</u>	<u>Dism.</u>	<u>Juv.</u> <u>Court</u>	<u>Other</u>	<u>Not</u> <u>Guilty</u>	<u>Total</u>
<u>NRS 503.175</u>							
1973-74	5 \$ 250	--	--	1	---	---	6
1972-73	7 350	1	--	---	---	---	8
1971-72	5 250	3	--	1	---	1	10
1970-71	6 245	2	--	---	---	---	8
1969-70	4 200	8	--	1	---	---	13
5-year Average	5 259	3	--	1	---	---	9

If approved, the ACT would increase the record-keeping requirements of the Department; however, there are no major objections to the bill as written.

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FR 929-9]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Nevada Indirect Source Regulations

On August 14, 1971 (38 FR 15488), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of state implementation plans under section 110 of the Clean Air Act, as amended. These regulations were republished on November 25, 1971 (38 FR 22369), as 40 CFR Part 51.

On April 18, 1973 (38 FR 9599), the Administrator proposed amendments to the November 25, 1971 regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations. The amended regulations were to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources (consideration of which was already required by 40 CFR Part 51), but also of pollution arising from mobile source activity associated with buildings, facilities, and installations.

On June 18, 1973 (38 FR 15934), the Administrator promulgated regulations as a part of 40 CFR Part 51 which required that the states adopt, submit, and implement legally enforceable regulations and administrative procedures for the review of indirect sources (sources which affect air quality because of emissions arising from associated mobile source activity).

On October 30, 1973 (38 FR 20893), the Administrator proposed regulations for the review of indirect sources for those states which did not submit regulations or whose regulations should not be approved.

On February 25, 1974 (39 FR 7370), the Administrator promulgated regulations for the federal review of indirect sources (40 CFR 52.22, Maintenance of National Standards) and also stated that the requirements of § 51.18 had not been met for the State of Nevada since the State failed to submit a plan for review of new or modified indirect sources (40 CFR 52.1478(c)). The Administrator incorporated the provisions of § 52.22(b) by reference and made them a part of the applicable implementation plan for the State of Nevada (§ 52.1478(d)).

On April 1, 1974 Governor O'Callaghan of the State of Nevada submitted to the Administrator regulations for the review of indirect sources (called complex sources by the State of Nevada). These regulations had been adopted by the Nevada State Environmental Commission on February 25, 1974 and were made effective on March 27, 1974.

On August 1, 1974 (39 FR 27811), the Administrator acknowledged receipt of the revised State of Nevada Air Quality Regulations as an implementation plan revision and requested public comment on the portions pertaining to the review of indirect sources.

On September 12, 1974 the Environmental Protection Agency, Region IX Office provided the State of Nevada with its evaluation of the plan revision concerning indirect source review. The evaluation suggested several minor changes to the State complex source regulations and administrative procedures and also suggested that a new public hearing would not be necessary because the deficiencies identified were of a non-substantive and procedural nature. The same evaluation was incorporated into the record of the Nevada State Environmental Commission public hearing held on September 20, 1974. All of the deficiencies in the regulations were corrected by Commission adoption at the hearing.

On November 5, 1974 Governor O'Callaghan submitted a letter to the Administrator which served to transmit an implementation plan revision with the quarterly report submitted by the State Department of Human Resources on November 12, 1974. The revision contained the revised provisions of the State's complex source regulations as indicated by the Governor's letter.

On December 11, 1974 the Governor's representative submitted to the Administrator supplemental information on the administrative procedures for notifying responsible agencies of the State's intent to approve or disapprove each complex source application.

The Administrator of EPA acknowledged receipt of the Nevada regulation and asked for public comment on it in the August 1, 1974 Federal Register. EPA has received no comments to date in response to this request. The non-substantive and procedural changes submitted to the Administrator on November 12, 1974 (under the cover letter dated November 5, 1974) and on December 11, 1974 are acknowledged in this Federal Register. Because of the minor nature of the November and December submittals and the fact that no comments were received on the substantive portion of the State regulations (submitted on April 1, 1974), the Administrator finds good cause exists not to subject the minor changes to public comment. Avoiding duplication of effort between the Federal and State reviews, resulting in conservation of public resources, and avoiding delays resulting from confusion on the part of the applicant are also held as good cause for the Administrator's immediate action on this regulation. Thus, the Administrator, (1) finds that the Nevada Air Quality Regulations and administrative procedures comply with the federal requirements, (2) approves the Nevada complex source review regulations and (3) revokes the previous disapproval and Federal promulgation without further delay. This approval is effective on March 26, 1975.

The Administrator finds good cause to make this rulemaking effective immediately as the indirect source regulations are already in effect under Nevada State law and EPA's approval imposes no additional regulatory burdens.

(Sec. 110(a)(2)(B), Clean Air Act, as amended (31 U.S.C. 1257c-5(a)(2)(b))

Dated: March 19, 1975.

Russell E. Train,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is revised as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972; January 19, 1973; April 1, 1974 (Article 13 of the State of Nevada Air Quality Regulations for the review of complex sources, as amended and resubmitted on November 12, 1974. Administrative procedure submitted December 11, 1974), and June 14, 1974 (revisions to "Article 4—Visible Emissions from Stationary Sources").

§ 52.1478 [Amended]

2. In § 52.1478; paragraphs (c) and (d) are revoked.

[FR Doc. 75-7742 Filed 3-25-75; 8:45 am]

RULES AND REGULATIONS

ional Office as well as the EPA Freedom of Information Center, 401 M Street, S.W., Washington, D.C. 20460. As is true of any guidelines setting forth the Agency's procedures or practices, EPA welcomes any relevant written comments relating to these guidelines at any time. Interested persons may submit written comments to the Monitoring and Data Analysis Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

The main body of the Guidelines contains a simplified methodology which relates certain key traffic flow characteristics to local carbon monoxide concentrations. Nine appendices are also included for conducting a more complete analysis, if necessary, of the impact of an indirect source on ambient air quality. Seven of the appendices discuss methods for estimating emissions from the different types of indirect sources, the eighth discusses the use of dispersion models which may be used in such an analysis as well as methods for estimating background concentrations, and the ninth appendix provides a compilation of indirect source monitoring studies. The Guidelines also include a discussion of several considerations for improving traffic flow characteristics, thus minimizing a facility's potential to contribute to a violation of the national standards for carbon monoxide.

ADMINISTRATIVE PROCEDURES AND DELEGATION

Where the Administrator has not delegated the responsibility for implementing § 52.22(b) for indirect source review to a State or local agency, the implementation of the regulation will be the responsibility of the appropriate EPA Regional Administrator. A list of the States covered by each Regional Office and the Regional Office addresses are set forth in § 52.16 of Part 52. Questions concerning the applicability of the regulation and any other inquiries should be directed to the appropriate Regional Office. Application forms should be requested from the Regional Office and returned there for review. Since forms will not be available immediately, early applicants should contact the appropriate Regional Office for interim advice concerning the format for application. Those applicants wishing to submit the results of diffusion modeling or other analytical technique in support of their application are urged to contact the Regional Office first to discuss the appropriate input parameters and receptor sites which are of critical interest.

With respect to highways and airports, it is expected that all necessary technical data will be available in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). In such cases, all that is necessary to make application is a letter to the appropriate Regional Administrator from the initiating agency, accompanied by the EIS if not previously submitted, requesting permission to construct. If additional data are required, the Regional Office will

notify the applicant within 20 days after receipt of the request.

Normally, the draft EIS for highway projects is prepared after the general corridor has been defined but before a specific location has been selected. A draft EIS is circulated on the various location alternatives and a public hearing is held on the EIS. Depending on the comments received, the State highway agency may decide to abandon the project due to its adverse environmental consequences, re-draft the EIS to contain additional alternatives, or issue the final EIS on the alternatives considered in the draft. Following the issuance of the final EIS, the State highway agency generally proceeds with the following steps leading to the eventual construction of the highway: selects preferred alternative; performs detailed highway design and development of specifications; holds design hearing; obtains approval and funding commitment from the Federal Highway Administration; acquires right-of-way land and appropriate easements; advertises for and analyzes bids; and awards construction contracts.

The application for approval under the indirect source regulations would normally be made as early in the above process as the necessary data are available, which would not be earlier than the location study phase. The highway agency may, of course, make application at any later phase prior to actual commencement of construction. Although the Administrator would prefer to consider only the selected alternative based on the final EIS, he will provide the highway agency with a decision on each of the alternatives specifically analyzed in the draft EIS. In addition, review based on the draft EIS coincides with EPA's present procedures for review and rating of EIS's. Although not required, the Administrator urges States or local agencies accepting delegation of these regulations to utilize administrative procedures similar to those outlined above. The Administrator reiterates his desire to delegate the indirect source review procedures to States and/or local governments. States will soon be receiving communications from EPA's regional offices containing more details regarding delegation.

If a State agency has not officially requested delegation, the Administrator will entertain requests from local agencies. Local agencies may inquire about delegation procedures at the appropriate EPA Regional Offices. However, no delegation will be made directly to a local agency if a State agency has already received delegation. In addition to the guidance provided on February 25, 1974, as to what type of agency should receive delegation, the Administrator feels there are certain agencies which should not be delegated review responsibility where a conflict of interest could be created. For example, the Administrator will not delegate the indirect source review to agencies, such as State highway agencies, which are substantially responsible for

originating projects subject to review under these regulations.

Since the amendments being published today are in response to public comments based upon the regulation published in February and review is to begin under the regulation immediately, the Administrator finds good cause not to subject the amendments to further public comment before finalization as such procedure would be unnecessary and impracticable. Appendix A is being promulgated in final form because interpretative rulings are exempt from the notice and public comment requirements of the Administrative Procedure Act. For the convenience of applicant, reviewing officials, and all other interested persons, the regulation is being reprinted in its entirety in its amended form. (Sections 110(a)(2)(B), 110(c), and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), and 1857g(a)).)

Dated: June 28, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 52.22, paragraph (b) is revised to read as follows:

§ 52.22 Maintenance of standards.

(b) Regulation for review of new or modified indirect sources.

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in § 52.01 of this chapter.

(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.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation

of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for a specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase

of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i)(e) of this subparagraph located within one-fourth mile of all boundaries of the site:

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air

quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time period expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient car-

STATEMENT BY ASSOCIATED GENERAL CONTRACTORSANDCONSTRUCTION ADVISORY COUNCIL OF SOUTHERN NEVADAON A.B.-480

I am Allan Bruce representing the Associated General Contractors and the Construction Advisory Council of Southern Nevada. The Advisory Council is a coalition of contractor and sub-contractor trade associations and the various building trades unions in Southern Nevada.

In appearing today to voice our support of Assembly Bill 480, I would like to make it clear that we are certainly not opposed to the concept of clean air and a healthy environment. We are suggesting, however, that in achieving these aims whatever action is taken should be based on reason, careful study and adequate research.

A.B.-480 provides that the regulation of indirect sources in Nevada be deferred until corresponding regulations are implemented by the U. S. Environmental Protection Agency. It further provides that indirect source regulations when implemented may be no stricter than the corresponding Federal regulations. The bill also redefines the term indirect source in the same context presently utilized by the Environmental Protection Agency. Also, the bill provides that the local air pollution control hearing board be appointed by the same political entities who are responsible for appointing the members of the District Board of Health. Under the present arrangement, the District Board of Health appoints its 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. Under this

change, provision is made that one member of the local air pollution hearing board be a licensed general engineering or general building contractor. Since a number of matters which routinely come to the attention of the local hearing boards relate to the construction industry, having a contractor participate on these boards will lend special expertise which heretofore has not been available. *p-cc*

Lastly, the bill amends a section of the present statute related to the planning function. It leaves unchanged a requirement that planning commissions, zoning boards, and so forth, must consider air pollution effects in all applications and programs. However, it removes the requirement that concise statements of the effects of air quality be submitted to the air pollution control authority.

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. 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 these 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, and here we are talking about the emission of carbon monoxide, 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, the effective control of automobile emissions.

A case in point, is a new shopping center planned in Las Vegas for the area of the Fremont Expressway and Valley view Boulevard in Las Vegas. 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 present heavy volume of traffic crossing the metropolitan area of town and creating a 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:

"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 penicillin 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 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 surprise number two for you--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.)"

"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.

Despite the kind of problems which the regulation of indirect sources pose for owners and developers and for the construction industry--if substantial and convincing evidence existed proving that the regulation of construction projects was necessary for protecting public health, we would favor appropriate remedies--however, we don't believe such evidence does exist. The passage of A.B.-480 could permit time for further evaluation and analysis of the entire issue both on a national and state level and, in the meantime, remove at least temporarily a costly and burdensome system of controls which may well prove to be totally unnecessary.



waterresource consulting engineers

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April 5, 1974

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APR 8 1974
NEVADA CHAPTER A.G.C.

Rowland Oakes
Associated General Contractors
300 South Wells Avenue
Reno, Nevada 89502

Dear Mr. Oakes,

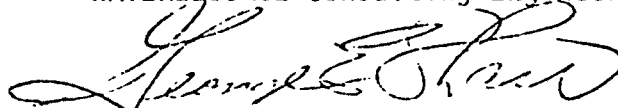
As per your telephone request of April 3, 1974, we have completed an approximate field count of existing residences, mobile homes, motels, apartments, restaurants, and bar facilities within the potential Lawton Interceptor Sewer service area. This area includes some residential areas south of the Truckee River near Mayberry Bridge, which were master planned to sewer to the Lawton Interceptor.

Our estimate of daily sewage production for existing commercial and residential accommodations using ground disposal systems is 166,185 gallons. This amounts to 186 Acre-Feet or 60,000,000 gallons per year. A significant portion of this waste water will certainly reach the ground water system or Truckee River.

Should you desire further delineation or details of the survey or engineering criteria used in compiling these estimates, please contact us at your convenience.

Sincerely,

WATERRESOURCE Consulting Engineers


George E. Shaw, P.E.

GES/rjh
Enclosures

SEWAGE FLOWS USED IN ESTIMATES

Mobile Home	280 gpd
Residence	350 gpd
Apartments	120 gpd
Motel Unit	60 gpd
Campers	40 gpd
Restaurant gallons/patron	10 gpd
Bar gallons/patron	5 gpd
Small Pool	200 gpd

List of Dwellings & Businesses Utilizing Individual Sewage Disposal Systems in the

West Reno to LAUTON Area.

AREA I - North of Hwy 40

NAME	FAC. Capacity	Person Cap	Daily Sewage Flow
Westside Motel	10	60 gpd	600
Bar		40 @ 5 gpp	200
Pool	1		200
Luigi Restaurant	(Apr - Nov) Open	30 @ 10 gpp	300
One House	1	350 gpd	350
1 Trailer	1	280 gpd	280
Arrowhead Tr Lodge	52 trailers	280	14,560
Globy Hole Restaurant		100 @ 10 gpp	1000
Bar		100 @ 5 gpp	500
Apts in Room	7 units	126 gpd	840
Treasure Room Restaurant		50 @ 10 gpp	500
Bar		50 @ 5 gpp	250
Dutch Wife Motel	15 units	60 gpd	900
AdC Motel	13 units	60 gpd	780
Silver Spur Motel	15 units	60	900
Tv Spaces	6 trailers	280	1680
Twin Lakes Drive houses	30	350	10,500
apartments	6	120	720
and warehouses	20		
Zephyr Motel	22 units	60	1320
pool	1	200	200
Veterinarian house	1	350	350
		Pror Subtotal	27,020

AREA 1

NAME	FACILITY CAP	Person Cap	Sewage Flow
Sierra Trailer Park	Closed		-
TREDS Motel	30 units	609pd	1800
TRAPP Lounge ^{restaurant}	50	500 @ 59pp	250
River Trail Motel	4 units	60	240
1 house in rear	1	350	350
Siesta Motel	17 units	60	1020
1 trailer	1	280	280
Tacpino Motel	7	60	420
Residence	1	350	350
Real Estate Gilbert	1	50	50
Mesa Park Residences	15	350	5250
Residences	9	350	3150
AREA 2 South of Hwy 40		Area 1 Subtotal	13160
River Inn Motel	83	60	4980
Campers	130	40	5200
Restaurant 150		250 x 10	2500
Bar		250 x 5	1250
Pools 4 @ 500	1	500	500
Spa & Hot Tub Pool		209ppm	< 28,000 > (mi)
WTW Ranch			
3 houses	3	350	1050
H&W Lumber Co Off	1	50	50
Tahoe Ind'l Pk Sales Off	1	100	100
Sunnyside Bar		80 x 5	400
HOA 30	1	350	350
Motel - No Name	4 units	60	240
Residences	5	350	1750
Glory Temple Church		100	100
Truckee Park-Mobile	52 units	280	14,560

33030

AREA 2

LADITION

NAME	FACILITY CAP.	Person Cap	Sewage Flow
Peter's Auld World Restaurant to Tavern.		20 @ 109 ppl 20 @ 59 ppl	592 200 100
Irishers Motel Pool 2 Shops. (Rest vacant.) Gandy Dancers Bar		45 @ 5	225
Brunzell Country Club Residence	1 1	100 350	100 350
Tahoe Ind. Park Warehouse Residences Trailers	1 2 3	1000 350 280	1000 700 840
Mayberry Estates Residences	87	350	30,450
Juniper Terrace Residences	116	350	40,600
Subd. below RR. West of Dickerson Rd.	18	350	6,300
Welsh Ranch Plateau	6	350	2,100
List Subtotals			82,965 gpd.
		37030 13160 53030 82965 <hr/> 166185	TOTAL 166185 gpd.

HEALTH EFFECTS OF CARBON MONOXIDE

593

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

Man has suffered from the effects of carbon monoxide from earliest history. The smoke-blackened cave homes of early man tell the story of what must have been a chronic exposure that well could have often been fatal. The second great exposure to carbon monoxide effects saved the Jamestown Company in the early 1600's and resulted in the founding of the American tobacco industry and smoking as an almost worldwide custom. (It should be noted that since then tobacco has been responsible for deaths millions of times greater in number than the small band of colonists at Jamestown.) The third great insult came with the perfection of a process to produce artificial gas that could be used for home lighting, heating and cooking. (Natural gas has nearly replaced all of the artificial gas and has a many-fold less hazard.) But, it was the automobile that brought a potential hazard to millions of our citizens.

When one speaks of "a potential hazard to millions of our citizens" fear strikes millions of our citizens who are not being exposed to a hazard. It is difficult, it not impossible, for the ordinary citizen to determine whether he is in the exposed or unexposed population. And, as a prudent person, concludes that he must be a member of the exposed population, and that he lives in (in relation to carbon monoxide) a hazardous environment. It is unfortunate but this conclusion leads him to demand strong environment controls on something -- and all too often, something other than his automobile.

This prudent citizen usually is not adequately informed how little can be accomplished by measures such as control of indirect sources. He looks for measures that are applied to someone else. But when his local government asks for money (taxes or a bond issue) to improve traffic flow (a slow moving vehicle is always a greater polluter) he balks at supporting his local government. However, when the concept of control of indirect sources is brought to his attention, since this concept does not appear to cost him anything, it gets his enthusiastic support.

This enthusiastic support led the Nevada Legislature to adopt statutes for the control of indirect sources two years ago. There was no real examination of what was the need. And how much would control of these indirect sources improve the health of citizens of Nevada. Or what would control of these sources accomplish in relation to the air pollution problem of Nevada. Or what other measures might bring greater freedom from worry to the citizens of Nevada.

What are the health effects of carbon monoxide? I will not talk about death, coma, nausea and vomiting - but I will speak of headache, affects on persons with a serious heart problem and the reduction of some delicate sensitivity.

The effects of carbon monoxide are due to an interference with the capability of the blood to supply oxygen to the body tissues. Some body tissues have a more critical requirement for oxygen. The two most critical are the brain and the heart. We can expect to find that the most sensitive tests for the effects of carbon monoxide would involve these two organs. Carbon monoxide exerts these effects by displacing the usual oxyhemoglobin of the blood and replacing it

with carbon monoxide hemoglobin. There are other subtle effects but I will only acknowledge that they do exist. Thus (I hope you will accept) the critical element then is the percent of hemoglobin that becomes carbon monoxide hemoglobin. This is the key to measure the insult to the brain or heart.

595

How much carbon monoxide does it take to affect the brain or the heart? I believe that our scientists have established how little. Neither I nor they know whether this detectable effect is significant, but I am willing to accept that it may exist. This effect occurs with something over 2.5 percent of carbon monoxide hemoglobin. I should mention that other scientists have not been able to confirm this effect at seven percent carbon monoxide hemoglobin. This effect was a degradation of time discrimination in terms of thousandths of a second duration of two sounds.

Between something over 2.5 percent carbon monoxide hemoglobin and five percent, there are other effects that possibly occur. The ordinary body metabolism produces 0.5 percent or more of carbon monoxide hemoglobin and a rise of 3.4 percent above this level is reported to show impairment of brake reaction time, night vision, glare vision, and depth perception. I agree that these are important to safe driving, but the magnitude of the impairment still needs to be defined more specifically.

There is evidence that patients with coronary artery disease whose activity tolerance is low (that is, they develop chest pain with walking, running, etc.) will develop that chest pain with less walking or running when they are exposed to carbon monoxide that produces about five percent carbon monoxide hemoglobin. At about

seven percent carbon monoxide hemoglobin headache may appear. An exposure to 55 mg/m³ may produce this seven percent in about 3-4 hours of exposure.

596

The Environmental Protection Agency has given us a formula that will allow a gross translation of a level of carbon monoxide in the air we breathe to the level of carbon monoxide in the blood that can be expected from breathing such air. This formula recognizes that it takes four or more hours to reach these levels. In fact, it possibly takes eight hours, but the maximum build-up is in the first few hours and then slowly climbs to an equilibrium level. It is to be noted that when removed from the carbon monoxide atmosphere, 50 percent of the carbon monoxide hemoglobin is eliminated in four hours.

If you will accept that between 2.5 percent and 3.9 percent carbon monoxide hemoglobin delicate disturbances of certain of our sensory perceptions occur and that around five percent carbon monoxide hemoglobin persons with severe coronary artery disease may note a lowering of their activity tolerance, we only need to translate the level of carbon monoxide air pollution observed in Nevada to the level of carbon monoxide hemoglobin that may be produced.

My discussion has been limited to carbon monoxide. This bill deals with control of indirect or complex sources of air pollution. The statement of the Administrator deals best with why the discussion is so limited. I quote directly from the Federal Register of July 9, 1974: "On several previous occasions the Administrator ^{to EPA} 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." At no point has the EPA ever discussed control of indirect sources as contributing to control of particulates or lead in the ambient air. There are many who hope serendipitous effects from control of indirect sources will occur. But first, there must be demonstrated evidence that these indirect sources contribute significantly to the problem at hand: carbon monoxide.

no indirect source

597

In 1974 the highest eight hour carbon monoxide reading in Las Vegas was 16.7 milligrams per cubic meter of air. Using the EPA formula of 0.16 times the level of carbon monoxide, we can expect a level of 2.67 percent of carbon monoxide hemoglobin. This is at the lower limit of where we might expect some loss of time discrimination for a few thousandths of seconds difference in the duration of a sound. This level is below that which could be expected to affect persons with severe disease of the coronary arteries of the heart.

Mr. Richard Sertos verbally informed me that the highest eight hour carbon monoxide recorded in Nevada was about 25. When we apply the EPA formula this would produce a carbon monoxide hemoglobin of four percent. One can be generous and grant that there may be a very few persons with severe coronary artery disease who might suffer some discomfort. It is repeated there may, repeat may, be a very few persons who might, repeat might, suffer some discomfort.

We concede (but do not agree) that levels of air pollution have occurred that might produce health effects. But more important is - if no indirect source were ever established in Nevada, would

carbon monoxide pollution be controlled? No! Would it be lessened? No! The contribution of indirect sources to the total problem is minimal. The problem is the polluting automobile, ineffective traffic control, and a lack of transportation other than the personal automobile. If a strong automobile emissions inspection/maintenance program, improved traffic movement, and in a few areas, increased public transportation, there would be no need to ever consider control of indirect sources.

598

Inasmuch as these most effective control measures are not in effect and will take time to implement, the Associated General Contractors concede that study should be made of indirect sources. However, it must be pointed out that much more specific guidance must be provided. There is no question about the specificity of the fire protection code, the electrical code, the life safety code and many other requirements placed on our industry. We must have an equally specific code that applies to air pollution from indirect sources if a need for such control can be documented.

The industry also recognizes that Federal Regulations have been published and may or may not be implemented. The Federal Regulations are extremely restrictive. They may be necessary in the overgrown metropolitan areas of 49 other states, but they are of very questionable necessity in Nevada. However, the AGC is not asking Nevada to fight with the Federal Government, but is asking that Nevada be no more stringent than the Federal Regulations and only be that stringent when the Federal Government has finally decided that control of indirect sources are necessary.

In summary:

1. The history of air pollution in Nevada does not show that a health hazard from carbon monoxide exists. The Administrator of the EPA acknowledges that analytical techniques for pollutants other than carbon monoxide are not adequate.
2. The potential contribution of indirect sources to the problem is minimal, when compared to the automobile and traffic control.
3. There is a need for a strong automobile emissions inspection/maintenance program.
4. There is a need for exploitation of all facets of traffic engineering to expedite traffic movement.

599

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

Curriculum Vitae

600

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

601

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

APR 7 1975

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:

602

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."

603

"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.

605

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.

606

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.

607

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.

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.

609

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. 610

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. 611

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. 612 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.

613

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

614

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.

SENATE COMMITTEE
ENVIRONMENT AND PUBLIC RESOURCES
AB 480

Exhibit

J

615

Thank you Mr. Chairman and members of the Committee for allowing me to address you today with respect to AB 480. 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. As an example of our early involvement, during the 1600's a planner designed, as part of total plan, a 20 mile wide green belt around the City of London in hopes of having an area to dissipate the pollution from the London factories.

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 on 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.

616

The law we presently have is the result of anticipating the actions of the federal government. Since passage 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 engines to prevent economic chaos to the auto industry and has forestalled implementation of indirect source regulations, in order to prevent delays in processing developments, both public and private, which adds to the spiraling costs and are passed on to the consumer.

We firmly believe that no single 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. It is through a consciousness of these interrelationships and their value that sound planning programs can be developed and adhered to which can bring us to the point of a true balance of urban society today. 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.

Well-intentioned regulations can, in some instances, contribute more to the very problem we wish to eliminate. In a state such as ours growth and development will occur. The questions are

617

how-where and in what form? There hasn't been a regulation developed that someone could not find a method of circumventing. It is this circumvention which can cause us greater problems.

We support AB 480, since we feel it provides a conservative approach to the issue; does not set the stage for regulations which contribute to the problems; and is something we all, public and private sectors, can live with.

However, as a planner, one thing is very clear to me--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. Treatment of the symptoms does not remove the problem and can prove more costly and have greater ramifications than the illness.

Wings

Exhibit K

IN-DEPTH COMMENT OF AB 480 (AMENDED)

BY THE WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

618

PAGE 1

LINES 3 through 7

This language is totally unacceptable to Washoe County. Washoe County has an ongoing program to review indirect sources at the present time and this section will essentially nullify that program. Washoe County needs this program in order to insure that large development projects do not cause a violation of the Ambient Air Standards.

LINE 13 through 16

These deletions and additions are unacceptable to Washoe County. Even though carbon monoxide is presently the contaminant of interest in Washoe County, there remain others, that are automobile induced, which with increased growth may become major problems. Therefore, to limit the review of indirect sources to carbon monoxide only is extremely short-sighted and does not serve the best interest of the public.

LINE 18 through 8 (page 2)

These deletions and subsequent additions are unacceptable to Washoe County. The proposed list quite pointedly removes residential, sewer, power, water and gas lines from indirect source review. First of all, it seems inequitable that apartment and condominiums are required to be reviewed while residential subdivisions are not. Washoe County's position is that all residential type developments should be required to be reviewed. Secondly, in the matter of sewer, water, power and gas lines, it is Washoe County's contention that these do indeed attract growth and should remain on the list to be reviewed.

LINE 16 through 29

Washoe County objects to this amendment on the grounds that it is confusing and contradictory. If this means that Hearing Board members are to be appointed by county and city governments instead of by the District Board of Health then we find it totally unacceptable. The Hearing Board is strictly an appeals board for the District Board of Health and should be responsible to and appointed by that Board.

Washoe County has no real objection to enlarging the Hearing Board membership providing it remains a practical operation. However, we think a better approach is to designate a minimum 5 person Board and let the appointing authority enlarge the Board if they feel the necessity.

The matter of a contractor on the Hearing Board is of small importance, however we feel that possibly some conflict of interest may occur in environmental impact review cases.

LINE 32

No Comment

LINE 37

No Comment

LINES 3 through 8

This language is objectionable to Washoe County. It allows local complex source regulations to be only as strict as State regulations while all other source regulations may be stricter than State regulations. We are of the opinion that if local conditions call for stricter controls then local entities should be able to prescribe them, not only for one type of source but for all sources.

LINE 14 and 15

No Comment

LINE 28 and 29

620

These are continuity changes and are not necessary if lines 3 through 8, page 3, are rejected.

LINES 46 through 49

No Comment

Brian Wright Exhibit
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Ladies and gentlemen of the Senate Environmental Committee, I am here representing the Washoe County District Health Department. Washoe County is unequivocally opposed to Assembly Bill #480 (as amended) ⁶²¹ and its intent. The sum total of this Bill is to deprive State and local air pollution agencies of the option to require developers of large indirect sources that they must fully understand the air pollution implications of such developments. By retaining this option Washoe County believes that growth will continue but this growth will be of a much better quality. Rather than take up your time at this meeting with a line by line critique of this Bill we have seen fit to mail this material. However, I would like to touch upon 4 sections of this Bill we consider most important.

Section 1 is probably the most important section of the whole Bill. For it is here that the attempt is being made to tie State and local indirect source regulations to those adopted by EPA; with the additional proviso that State and local regulations can be no more strict than said Federal regulations. This effectively says that Nevada can only have Federal regulations concerning indirect sources. Historically State and local governments have used Federal legislation only as minimal guidelines and often employ stricter versions to meet their special needs. For this reason Washoe County believes this section to be extremely damaging to its goal to achieve clean air.

In Section 2 the wording would allow only carbon monoxide to be studied. While carbon monoxide may be the major problem causing pollutant in most areas of the State its surely not the only one. Las Vegas has an oxidant problem also which means that they would also want to study the oxidant precursors, namely, nitrogen dioxide and reactive hydrocarbons.

This limitation appears to be extremely short-sighted and unnecessary.

622

The second part of section 2 deals with the list of indirect sources. The significant change here is that residential development, sewer, gas, water and power lines have been deleted. It hardly seems equitable to require impact statements from apartments and condominiums and not from residential subdivisions. Washoe County thinks it essential to good planning that both condominium, apartments, and subdivisions be required to submit impact statements.

All arguments to the contrary, Washoe County firmly believes that the availability of sewer, water, gas and power lines does indeed attract growth and therefore are logical candidates for impact statements.

In section 3 there appears to be some confusion as to who appoints the Hearing Board, either the District Health Board or the governing bodies making up the health district. This should be clarified to show that members of the Hearing Board are appointed by and are responsible to the District Health Boards. The proposed make-up of the Hearing Board is exactly the same as the present make-up of the District Health Boards and would appear to be unnecessarily cumbersome. The number of members is of little consequence as long as it remains practical. Perhaps wording calling for a Board with a minimum of five members with more members to be appointed by the Health Board should they decide the necessity would be in order.

Also, whether a contractor is on the Hearing Board is of little import; our only feeling on this matter is that perhaps such a designation may cause some conflict of interest in certain cases. 623

Again in Section 5 an attempt is being made to hamstring local efforts to control automotive related emissions. Washoe County has a growing air pollution problem. In 1974 we experienced 277 violations of the National 8 hour carbon monoxide standards. What Washoe County needs to cope with this growing problem is legislation allowing each county and city to promulgate the necessary regulations to control thier individual problems and we do not need this type of limiting legislation that allows for only a partial solution to the problem.

In closing let me say again that Washoe County views the changes proposed in Assembly Bill #480 as a step backward in its quest of the all important goal of clean air for all its residents.

STATEMENT OF RICHARD SERDOZ

ASSEMBLY BILL 480

MAY 7, 1975 6:30 P.M.

Exhibit M

624

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 THE REDUCTION IN THE TOTAL NUMBER OF HOURS THAT THE HEALTH RELATED OXIDANT STANDARD WAS VIOLATED. 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 (TRUCKEE MEADOWS) 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, IN RENO THE NUMBER OF CARBON MONOXIDE 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.

BEFORE THE ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE TAKES ACTION ON A.B. 480 WHICH WILL REMOVE THE AUTHORITY FOR ENFORCEMENT OF COMPLEX SOURCE REGULATIONS BY THE STATE OR LOCAL AIR POLLUTION AGENCIES, I DO WISH TO REMIND YOU OF SOME PROBLEMS.

IT IS MY UNDERSTANDING THAT THE CONSTRUCTION INDUSTRY IS THE MAJOR LOBBY FOR THE REMOVAL OR THE DELAY OF COMPLEX SOURCE REVIEW UNTIL AFTER THE FEDERAL EPA IMPLEMENTS "INDIRECT SOURCE" REVIEW BECAUSE THE CONSTRUCTION INDUSTRY FEARS THAT DELAYS MAY OCCUR DURING PREPARATION OF THE ENVIRONMENTAL EVALUATION. AS PREVIOUSLY EXPLAINED EXISTING AMBIENT AIR CONCENTRATION IN BOTH OF NEVADA'S MAJOR METROPOLITAN AREAS IS PRESENTLY VIOLATING THE NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS. PRESENTLY, A PRIVATE CITIZEN OR ORGANIZATION COULD UNDER THE FEDERAL CLEAN AIR ACT FILE SUIT ON ALL NEW CONSTRUCTION OF ANY NEW MAJOR SOURCE OF AIR POLLUTION OR MAJOR ATTRACTION OF AUTOMOBILES IN EITHER OF OUR TWO METROPOLITAN AREAS, BASED ON THE REASONING THAT NEITHER OF THE METROPOLITAN AREAS HAVE ATTAINED OR WILL ATTAIN, WITH UNRESTRICTED GROWTH, THE NATIONAL AMBIENT AIR QUALITY STANDARDS WITHIN THE TIME SET BY FEDERAL LAW. THE IMPROVEMENTS

IN AMBIENT AIR QUALITY CONCENTRATIONS THAT WERE PROJECTED IN 1972 BASED ON THE INVENTORY OF EMISSIONS FOR NEVADA OF 1971 HAVE NOT TAKEN PLACE EVEN THOUGH MOST OF THE INVENTORY EMISSION REDUCTIONS PROJECTED IN THE PLAN DID OCCUR. UNTIL ATTAINMENT OF THE FEDERAL AMBIENT AIR STANDARDS IS ACHIEVED, ADDITIONAL GROWTH COULD BE HINDERED OR STOPPED. I DO NOT THINK ANYONE WANTS THIS TO OCCUR; THEREFORE, THROUGH THE COMPLEX SOURCE REGULATIONS (A STOP-GAP MEASURE), CONTINUED GROWTH CAN OCCUR UNTIL A TOTAL ENVIRONMENTAL AND TRANSPORTATION CONTROL SYSTEM IS DEVELOPED.

ANOTHER RAMIFICATION OF A.B. 480 IS THAT IF THE COMPLEX SOURCE REGULATIONS ARE REPEALED, A MAJOR PORTION OF THE AIR POLLUTION CONTROL STAFF WILL HAVE TO BE USED FOR REVIEWING OF EXISTING OR LOCALLY PLANNED LAND-USE BY A TECHNIQUE OF EMISSION DENSITIES ALLOCATION IN THE METROPOLITAN AND NON-METROPOLITAN AREAS OF THE STATE TO ENABLE CONTINUED CONSTRUCTION GROWTH. THE POLLUTION ALLOCATION METHOD IS VERY COMPLICATED, EXPENSIVE, AND IT WILL TAKE ADDITIONAL STAFF AT BOTH THE COUNTY AND STATE LEVEL. THE CURRENT PROCESS REQUIRED ABOUT ONE MONTH OF STAFF TIME TO REVIEW A SINGLE COMPLEX SOURCE; IT MAY TAKE SIX TO EIGHT MAN-YEARS OF EFFORT TO PREPARE THE EMISSION DENSITY ALLOCATION PROGRAM WITH NECESSARY REGULATIONS FOR THE VARIOUS AREAS AND THEN INSURE THAT THE LOCAL PLANNING AGENCIES OPERATE WITHIN THE REGULATION AND ALLOCATION CONSTRAINTS.

I WOULD LIKE SPECIFICALLY NOW TO TALK ABOUT A.B. 480.

SECTION 1: DURING THIS LAST BIENNIUM, HEARINGS WERE 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 THE NEVADA COMPLEX SOURCE REGULATIONS HAVE "BECOME EFFECTIVE" THROUGH THE FEDERAL

ACTION BY THE EPA, IN THEIR APPROVAL AND ADOPTION MARCH 26, 1975. THIS WOULD MAKE THE LANGUAGE "BECOME EFFECTIVE" IN SECTION 1 MUTE. THE SECOND PROBLEM WITH THIS SECTION WOULD BE THE INTERPRETATION OF "STRICTER" - IS THIS THE SIZE OF THE SOURCE TO BE REVIEWED, THE TYPE OF REVIEW, WHAT AMOUNT OF THE AVAILABLE AIR RESOURCE THE SOURCE CAN CONSUME, WHAT AMBIENT AIR QUALITY STANDARD CANNOT BE VIOLATED, OR WHO IS TO BE NOTIFIED OF THE REVIEW.

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. TO RESTRICT THE REVIEW ONLY TO CARBON MONOXIDE WILL BE EASIER TO ADMINISTER, BUT THERE ARE OTHER AIR POLLUTANTS TO BE CONSIDERED -

SECTION 3: IT IS APPARENT FROM THE AMENDMENTS IN 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 AS CERTAIN LOCAL AREAS MAY ALREADY HAVE DIRTY AIR AND NEED MORE STRINGENT REGULATIONS, BOTH IN THE DISCHARGE STANDARD FOR POINT

SOURCES AND THE SIZE OF THE COMPLEX SOURCE TO BE REVIEWED, 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 IN OUR METROPOLITAN AREAS AND 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.

SECTION 6: DURING THE HEARING IN THE ASSEMBLY ON APRIL 14 A SPOKESMAN FROM CLARK COUNTY INDICATED THAT IN THE PERFORMANCE OF THEIR PLANNING AND ZONING DUTIES DID CONSIDER THE EFFECTS OF POSSIBLE AIR POLLUTION. I WOULD THEREFORE RECOMMEND THAT ONLY LINES 48, 49 AND THE WORD "BY" ON LINE 47 BE DELETED. THIS WOULD AID THE DEPARTMENT IN THE PREPARATION OF FEDERALLY REQUIRED REVIEWS FOR THE TOTAL AIR BASIN AND AID IN DETERMINING THE EFFECT THAT A LOCAL PLANNING AGENCY WILL HAVE ON THE AIR BASIN. THIS WOULD ALSO AID IN THE COORDINATION OF THE AIR POLLUTION CONTROL AGENCIES WITH THE LOCAL PLANNING AGENCIES.

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.

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY
SUBCHAPTER C—AIR PROGRAMS
[FRL 928-9]

PART 52—APPROVAL AND PROMULGA-
TION OF STATE IMPLEMENTATION PLANS

Nevada Indirect Source Regulations

On August 14, 1971 (38 FR 15488), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of state implementation plans under section 110 of the Clean Air Act, as amended. These regulations were republished on November 25, 1971 (38 FR 22389), as 40 CFR Part 51.

On April 18, 1973 (38 FR 9599), the Administrator proposed amendments to the November 25, 1971 regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations. The amended regulations were to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources (consideration of which was already required by 40 CFR Part 51), but also of pollution arising from mobile source activity associated with buildings, facilities, and installations.

On June 18, 1973 (38 FR 15834), the Administrator promulgated regulations as a part of 40 CFR Part 51 which required that the states adopt, submit, and implement legally enforceable regulations and administrative procedures for the review of indirect sources (sources which affect air quality because of emissions arising from associated mobile source activity).

On October 30, 1973 (38 FR 29893), the Administrator proposed regulations for the review of indirect sources for those states which did not submit regulations or whose regulations should not be approved.

On February 25, 1974 (39 FR 7270), the Administrator promulgated regulations for the federal review of indirect sources (40 CFR 52.22, Maintenance of National Standards) and also stated that the requirements of § 51.18 had not been met for the State of Nevada since the State failed to submit a plan for review of new or modified indirect sources (40 CFR 52.1478(c)). The Administrator incorporated the provisions of § 52.22(b) by reference and made them a part of the applicable implementation plan for the State of Nevada (§ 52.1478(d)).

On April 1, 1974 Governor O'Callaghan of the State of Nevada submitted to the Administrator regulations for the review of indirect sources (called complex sources by the State of Nevada). These regulations had been adopted by the Nevada State Environmental Commission on February 25, 1974 and were made effective on March 27, 1974.

On August 1, 1974 (39 FR 27811), the Administrator acknowledged receipt of the revised State of Nevada Air Quality Regulations as an implementation plan revision and requested public comment on the portions pertaining to the review of indirect sources.

On September 12, 1974 the Environmental Protection Agency, Region IX Office provided the State of Nevada with its evaluation of the plan revision concerning indirect source review. The evaluation suggested several minor changes to the State complex source regulations and administrative procedures and also suggested that a new public hearing would not be necessary because the deficiencies identified were of a non-substantive and procedural nature. The same evaluation was incorporated into the record of the Nevada State Environmental Commission public hearing held on September 20, 1974. All of the deficiencies in the regulations were corrected by Commission adoption at the hearing.

On November 5, 1974 Governor O'Callaghan submitted a letter to the Administrator which served to transmit an implementation plan revision with the quarterly report submitted by the State Department of Human Resources on November 12, 1974. The revision contained the revised provisions of the State's complex source regulations as indicated by the Governor's letter.

On December 11, 1974 the Governor's representative submitted to the Administrator supplemental information on the administrative procedures for notifying responsible agencies of the State's intent to approve or disapprove each complex source application.

The Administrator of EPA acknowledged receipt of the Nevada regulation and asked for public comment on it in the August 1, 1974 FEDERAL REGISTER. EPA has received no comments to date in response to this request. The non-substantive and procedural changes submitted to the Administrator on November 12, 1974 (under the cover letter dated November 5, 1974) and on December 11, 1974 are acknowledged in this FEDERAL REGISTER. Because of the minor nature of the November and December submittals and the fact that no comments were received on the substantive portion of the State regulations (submitted on April 1, 1974), the Administrator finds good cause exists not to subject the minor changes to public comment. Avoiding duplication of effort between the Federal and State reviews, resulting in conservation of public resources, and avoiding delays resulting from confusion on the part of the applicant are also held as good cause for the Administrator's immediate action on this regulation. Thus, the Administrator, (1) finds that the Nevada Air Quality Regulations and administrative procedures comply with the federal requirements, (2) approves the Nevada complex source review regulations and (3) revokes the previous disapproval and Federal promulgation without further delay. This approval is effective on March 28, 1975.

The Administrator finds good cause to make this rulemaking effective immediately as the indirect source regulations are already in effect under Nevada State law and EPA's approval imposes no additional regulatory burdens.

(Sec. 110(a)(2)(B), Clean Air Act, as amended (42 U.S.C. 1857a-5(a)(2)(b))

Dated: March 19, 1975.

RUSSELL E. TRANK,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is revised as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, January 19, 1973, April 1, 1974 (Article 13 of the State of Nevada Air Quality Regulations for the review of complex sources, as amended and resubmitted on November 12, 1974. Administrative procedure submitted December 11, 1974), and June 14, 1974 (revisions to "Article 4—Visible Emissions from Stationary Sources").

§ 52.1478 [Amended]

2. In § 52.1478; paragraphs (c) and (d) are revoked.

[FR Doc. 75-7742 Filed 3-25-75; 8:45 am]

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.

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.

EXHIBIT

N

632

COMPLEX SOURCE	ENVIRONMENTAL PROTECTION AGENCY - FEB. 25, 1974	STATE OF NEVADA COMPLEX SOURCE REG.	PROPOSED CLARK COUNTY REGULATIONS	REMARKS ON C.C. REGULATIONS
Highway	20,000 vehicles per day	10,000 vehicles per day	Three or more lanes	STRINGENT
RESIDENTIAL (a) Single Family (b) Multi-Family	No requirement When parking lot capacity is more than 1,000	More than 500 homes More than 500 units	92 homes and up 92 units and up	EXTREMELY STRINGENT
Parking Lots	More than 1,000 parking spaces	More than 500 parking spaces	More than 5 acres in area or more than 500 car parking lot	5 acres provision Stringent
Commercial, Industrial, Institutional Development	More than 1,000 car parking lot	More than 1,000 car parking lot or generate 1,000 trips/hr. or 5,000 trips/8hr.	More than 5 acres in area or more than 500 car parking lot	EXTREMELY STRINGENT
Shopping Centers	More than 1,000 car parking lot	More than 500 car parking lot or generate 1,000 trips/hr. or 5,000 trips/8hr.	More than 5 acres in area or more than 500 car parking lot	EXTREMELY STRINGENT
Sewer, Water, Power, Gas	No requirement	5,000 new connections over next 10 years.	5,000 new connections over next 10 years.	NO NEED OF SUCH REQUIREMENT.
Airports	50,000 LTO	25,000 LTO	All serving commercial carrier	EXTREMELY STRINGENT

TABLE 3

*Exhibit
O*

NATIONAL REALTY COMMITTEE, INC.
1122 Connecticut Avenue
Washington, D.C. 20036
202/785-0808

LAND USE AND ENVIRONMENTAL
CONTROLS NEWSLETTER

February 21, 1975

Federal Activity

Clean Air Act

The 94th Congress has introduced the following seven-
teen bills to amend the Clean Air Act:

Bill: S. 558

Date Introduced: February 5, 1975

Sponsor and Co-sponsor: Sparkman; Allen

Summary of Bill: Amends the Act to assure consideration of
the total environmental, social, and economic impact while
improving the quality of the nation's air.

Provides for consideration of cost-effectiveness and eco-
nomic and social benefits of methods to achieve or maintain
ambient air standards.

Bill: S. 594

Date Introduced: February 5, 1975

Sponsor: Hugh Scott

Summary of Bill: Amends and extends the Energy Supply and
Environmental Coordination Act of 1974, which amends the
Clean Air Act.

Increases domestic energy supplies and availability by
authorizing production of the naval petroleum reserves.

*Jim Sharp
Wash., D.C.*

Restrains energy demand by providing national energy conservation standards for new residential and commercial buildings.

Alters regulatory practices and procedures of governing electric utilities.

Assures timely siting, consideration, approval, and construction of necessary energy facilities.

Bill: S. 693

Date Introduced: February 17, 1975

Sponsor and Co-sponsors: William Scott; Curtis, Eastland, Fannin, Goldwater, Helms and Thurmond

Summary of Bill: Prevents the establishment of standards more stringent than the primary and secondary ambient air quality standards.

Bill: S. 694

Date Introduced: February 17, 1975

Sponsor: William Scott; Eastland, Fannin, Goldwater, Helms and Thurmond

Summary of Bill: Provides for the extension of compliance dates for coal, oil, and natural gas burning power plants.

Bill: S. 695

Date Introduced: February 17, 1975

Sponsor: William Scott; Eastland, Fannin, Helms, Laxalt and Thurmond

Summary of Bill: Provides for the extension and relaxation of motor vehicle emission standards.

Bill: H. R. 1447

Date Introduced: January 15, 1975

Sponsor: Edwards of Alabama

Summary of Bill: Same Bill as S. 558

Bill: H. R. 1020
Date Introduced: January 14, 1975
Sponsor: Shriver

Summary of Bill: Removes EPA's authority to require indirect source review as part of any state implementation plan.

Bill: H.R. 1100
Date Introduced: January 14, 1975
Sponsor: Teague

Summary of Bill: Same Bill as H.R. 1020.

Bill: H.R. 1476
Date Introduced: January 15, 1975
Sponsor: Roberts

Summary of Bill: Same Bill as H.R. 1020.

Bill: H.R. 1514
Date Introduced: January 16, 1975
Sponsor and Co-sponsors: Casey; Kazen, Rousselot, Milford

Summary of Bill: Same Bill as H. R. 1020.

Bill: H.R. 2171
Date Introduced: January 28, 1975
Sponsor and Co-sponsors: Casey; Archer, Beard of Tennessee, Burleson of Texas, Collins of Texas, Robert W. Daniel, Jr., Derwinski, Flynt, Goldwater, Hinshaw, Holland, Johnson of Pennsylvania, Jones of North Carolina, Ketchum, Kindness, McDonald of Georgia, Mathis, Patman, Robinson, Roe, Ryan, Steiger of Arizona, Treen and Won Pat.

Summary of Bill: Same Bill as H.R. 1020.

Bill: H.R. 3080

Date Introduced: February 6, 1975

Sponsor and Co-sponsors: Casey; Brooks, Del Clawson, Cochran, Crane, Dan Daniel, Dickinson, Holt, Hungate, Hyde, Mann, McCollister, Mollohan, Moore, Myers of Indiana, Poage, Roberts, Satterfield, Symms, Teague, White and Bob Wilson.

Summary of Bill: Same Bill as H.R. 1020.

Bill: H.R. 1625

Date Introduced: January 17, 1975

Sponsor: Studds

Summary of Bill: Authorizes payment of costs incurred under Section 105 of the Act, "Grants to Municipalities for the Alterations or Repair of Certain Waste Incinerators."

Bill: H.R. 2765

Date Introduced: February 4, 1975

Sponsor: Van Deerlin

Summary of Bill: Provides for interested parties to question EPA officials during federal or state hearings on proposed state implementation plans or portions of the plan.

Requires EPA to fully substantiate the basis for each proposed state implementation plan or portion of the plan.

Extends the 30-day period for a petition to review EPA's decision on a proposed plan or any portion of the plan to a 90-day period.

Bill: H.R. 2766

Date Introduced: February 4, 1975

Sponsor: Van Deerlin

Summary of Bill: Requires the Administrator to minimize the adverse economic impacts of the land use and transportation controls imposed through the state implementation plans and assures the feasibility and necessity of the control measures.

Prevents implementation of indirect source review: (1) before January 1 of the model year when all of the automotive emission standards are met; and (2) unless 75 percent of the registered motor vehicles within a particular air quality control region meet the automotive emissions standards and implementation is necessary to insure the attainment and maintenance of ambient air quality standards in that particular region.

Prevents EPA from imposing a tax, surcharge, fee or other charge on any indirect source, and restricting the size of parking areas or the numbers of parking spaces associated with any indirect source.

Bill: H.R. 3096

Date Introduced: February 10, 1975

Sponsor: Edwards of Alabama

Summary of Bill: Temporarily suspends required emissions controls on automobiles registered in certain designated air quality regions in the United States.

Bill: H.R. 3118

Date Introduced: February 10, 1975

Sponsor and Co-sponsor: Rogers; Esch

Summary of Bill: Authorizes the Administrator of the National Aeronautics and Space Administration to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental zone layer, and to prevent any increased skin cancer risk, and otherwise to protect the public health and environment from the discharges of the spray containers.

If you wish to obtain copies of the Bills, please contact NRC's Washington office.

Each of the Senate Bills were referred to the Environmental Pollution Subcommittee and the House Bills to the Subcommittee on Public Health and Environment. Since both Subcommittees

are reviewing amendments to the Act, the following is a list of current Subcommittee members, whom you may wish to contact:

Environmental Pollution Subcommittee of the
Senate Committee on Public Works

Edmund S. Muskie, Chairman, (D), Maine
Joseph M. Montoya, (D), New Mexico
Lloyd Bentsen, (D), Texas
Mike Gravel, (D), Alaska
John C. Culver, (D), Iowa
Robert Morgan, (D), North Carolina
Gary Hart, (D), Colorado
James L. Buckley, (R), New York
Robert T. Stafford, (R), Vermont
James A. McClure, (R), Idaho
Pete V. Domenici, (R), New Mexico

Subcommittee on Public Health and Environment of the
House Committee on Interstate and Foreign Commerce

Paul G. Rogers, Chairman, (D), Florida
David E. Satterfield, III, (D), Virginia
Richardson Preyer, (D), North Carolina
James W. Symington, (D), Missouri
James H. Scheuer, (D), New York
Henry A. Waxman, (D), California
James J. Florio, (D), New Jersey
W. G. (Bill) Hefner, (D), North Carolina
Harley O. Staggers, (D), West Virginia
Charles J. Carney, (D), Ohio
Tim Lee Carter, (R), Kentucky
James F. Hastings, (R), New York
H. John Heinz, III, (R), Pennsylvania
James T. Broyhill, (R), North Carolina

EPA

Indirect source review will not become effective before January 1, 1976, according to EPA's response to the Court of Appeals for the District of Columbia Circuit. EPA also stated that whenever the regulations become effective, there will be a six-month period beyond that effective date in which projects will be grandfathered. NRC is the party primarily responsible for EPA's acceptance of the grandfather idea.

In March, EPA will publish its first set of final designations for 42 Air Quality Maintenance Areas (AQMA's). EPA expects to publish final requirements for 10-year Air Quality Maintenance Plans (AQMP's) early this summer. AQMP's will include land use and transportation strategies to reduce emissions of particulate matter, sulfur oxides, oxidants, carbon monoxide, nitrogen oxides, and hydrocarbons.

Land Use

Morris Udall introduced his land use bill, H.R. 3510, on February 20, 1975. The new bill resembles Udall's previous land use bill, but places greater emphasis on economic and social considerations as part of the integral planning process and simplifies the requirements of state programs.

If you wish to obtain copies of the Bill, please contact NRC's Washington office.

State Activity

On August 7, 1974, the U. S. Court of Appeals, Fifth Circuit, in the State of Texas v. EPA, suspended the Transportation Control Plan (TCP) for the Houston-Galveston area, pending EPA's re-evaluation of the area's emission inventory. The State of Texas volunteered to

re-examine the emission inventory and proposed TCP reduction measures. On February 18, 1975, the Texas Air Control Board met with EPA officials to discuss the results of its review. The findings show that emission concentrations are greater than originally calculated and that all of the original TCP strategies will be necessary as well as additional reduction measures. The problem facing the Board and EPA is agreeing on which additional strategies to choose.

When EPA promulgates its parking management regulations in late March, these regulations will have the status of proposed regulations for the Houston-Galveston area since EPA withdrew its proposed parking management regulations for that area on October 18, 1974. During the next few months, EPA will promulgate its original TCP for the Houston-Galveston area, propose additional strategies, and hold hearings on the new strategies before final promulgation.

Public hearings will be held on the Boston TCP on March 19, 20, and 21 from 9:00 a.m. - 4:00 p.m. each day as well as from 6:00 p.m. - 9:00 p.m. on the 20th. The hearings will be held at the Department of Transportation Auditorium, Kendall Square, Cambridge, Massachusetts.

THE TAYLOR CO. INC.
HAYWARD, CALIF.

FEB 26 1975

RECEIVED