

SENATE

ENVIRONMENT, PUBLIC RESOURCES and AGRICULTURE COMMITTEE

MINUTES OF MEETING
Monday, February 7, 1977

The fourth meeting of the Environment, Public Resources and Agriculture Committee was called to order on the above date at 1:37 p.m.

Senator Gary Sheerin was in the Chair.

PRESENT: Chariman Sheerin
Senator Dodge
Senator Echols
Senator Glaser
Senator Lamb

OTHERS PRESENT: L. H. Dodgion, Health Division
Rusty Nash, Washoe County District Attorney's Office, Regional Planning Commission
Al Edmundson, Health Division
Fola Forst, Nevada League of Women Voters
Michael W. Ewald, City of Reno
Gene Milligan, Nevada Assoc. of Realtors
Bill Cozart, Nevada Assoc. of Realtors
Laurnal H. Gubler, Nevada St. Highway Dept.
Randy Bowling, Nevada St. Highway Dept.
Mike McFall, Nevada St. Highway Dept.
Richard W. Sunken, City of Las Vegas
John Moschetti, Elko County Assessor
Ernie Gregory, Nev. Environment Protective Services
Roger Trounday, Dept. of Human Resources
Chuck Breese, Washoe County
Irene Porter, Technical Committee, SCR 48 Report
Fred Welden, Nevada State Land Use Planning Agency
Bob Erickson, Nevada State Land Use Planning Agency
Tom Moore, Clark County
Verne Rosse, Environment Protection Services
Pam Wilcox, Lemmon Valley Improvement Assoc.
Debbie Sheltra, Virginia Foot Hills Homeowners Assoc.
John Madole, Association of General Contractors
Vern Millard, Millard Realty
Dwight Millard
Bob Wells, Executive Offices, State of Nevada
Jerry Lopez, Legislative Counsel Bureau

Testimony and discussions were heard on SB107, SB106 and SB105.

SB107 Revises provisions relating to subdivisions.

Jerry Lopez, Deputy Legislative Counsel, Legislative Counsel Bureau, was available for technical explanations.

FRED WELDEN, State Land Use Planning Agency, gave an over-view of the bills stating all three bills are the results of an

interim study conducted by the legislative subcommittee, headed by Senator Echols. To assist Senator Echols were technical advisory committees set up in Northern and Southern Nevada chaired respectfully by Fred Welden and Irene Porter, Las Vegas.

Exhibit "A", list of persons serving on these committees.

Welden said the general goal of the advisory group was to study the roles of State Health Division and the local governments in approving construction projects and the major objective was to put as much authority to do this job as possible at the local government level.

In testifying on SB107, MR. WELDEN said this bill is a review of the State Health Divisions authority and the local governments authority in reviewing subdivisions. The two major points are 1) the State Health Division authority to approve subdivisions should be given to the district boards of health or to local governments when these entities have a qualified staff available; and 2) the placement of this authority be moved earlier in the subdivision process. Welden pointed out that all counties presently have to send proposals for subdivisions to the state offices in Carson City for approval, but if SB107 is passed those counties which have qualified staff can review the applications. Only the very rural areas which don't have an established health district, would have to send applications for review and signature to the state offices. Basically, the regulations involve four factors: water quality, water facilities, water pollution and water quantity available.

RUSTY NASH, Washoe County District Attorney's Office and legal counsel for Regional Planning Commission, testified his office found no major problems with this bill. They would like to see one comprehensive bill that would incorporate all aspects outlined.

IRENE PORTER, Chairman of Southern Nevada Technical Committee and Southern Nevada Homebuilders Association, testified the bill is supported in Clark County. She said it was felt there would be much less complication involved if a subdivision map could be approved at the local level, which was the basic intent of SB107.

LEW DODGION, Public Health Engineer with the State Health Division, testified in support of SB107. Prepared testimony, Exhibit "B" as attached with suggested amendments, Exhibit "C", attached. In addition, Dodgion suggested that SEC. 13 repeals NRS 704.679, which provides the Public Service Commission with the authority to review a subdivision and to assure that the sewage and water systems do meet PSC regulations.

In additional testimony, Mr. Dodgion pointed out that SEC. 4 provides for a local agency to certify to the PSC that a proposed subdivision meets all requirements. SEC 13 repeals NRS 704.679 which is the authority to review subdivisions for assurance that sewage and water systems meet PSC regulations. He also stated a provision for PSC to charge a plan-check fee of \$200 was provided for in NRS 704.679, and that Sec. 4 makes no provision for that. Mr. Dodgion stated he would like to see Sec. 4 deleted and NRS 704.679 reinstated.

CHAIRMAN SHEERIN pointed out in SB107, the Health Division must certify to the PSC for flowing pressures, etc., that PSC regulations are met. He questioned Mr. Dodgion if he (Mr. Dodgion) is suggesting the PSC remain the issuers of certification.

Mr. Dodgion testified he did not believe the Health Division and PSC reviewing matters concerned within this bill to be a duplication. He said the purpose of NRS 704.679 providing PSC review water supply facilities, etc., could mean constant certification covering longer periods of time where a growing subdivision is involved. In reference to the \$200 plan-check fee, Mr. Dodgion stated he felt if the PSC had been allowed to collect such a fee, then certainly the Health Division should have the same privilege.

SENATOR ECHOLS, in reply, said the subcommittee had indicated a fee was not necessary.

JERRY LOPEZ testified his recollection of testimony during the subcommittee hearings was that the laws providing PSC with the authority to review subdivisions and charge a plan-check fee of \$200 had been inacted many years ago but had not been put into effect until only very recently. He said testimony indicated the Health Division was during that time, making the necessary checks without a fee.

PAM WILCOX, Lemmon Valley Improvement Association, Washoe County, next testified that that association is in favor of most of the changes, however, they are concerned the standards of local boards might not be as firm as the State Health Department. She submitted suggested amendments, attached as Exhibit "D."

DEBBIE SHELTRA, Virginia Foothills Property Owners Association, Washoe County, in testifying, reiterated the stand taken by Mrs. Wilcox.

RUSTY NASH, again testifying, said the law states before the governing body can approve a tentative plat it has to make a finding that there is adequate water. He stated at the present time that body can't make that finding because the state office is not giving out the information. Therefore, theoretically,

the governing body cannot approve the subdivision under current laws so "moving this back to the tentative stage is an important thing."

GENE MILLIGAN, Nevada Association of Realtors, testified next. He stated he concurs that SB107 should be given joint consideration with another bill on subdivisions which will be introduced later. He is in favor of moving regulatory authority to the local level where possible. He is concerned about Sec. 1 involving proceedings involving the disposition of land which seems to him to be a very broad statement. In noting the deletion of SEC.5 on page 4 which takes away the right of the subdivider to appeal any action of the planning commission, he said it is understood by his association that this was deleted only because the planning commission will only recommend to the governing body. If this is the case, they concur. However, the association wants to be sure the appeal process is not aborted somewhere along the line because of this deletion. He said if there is some point where a tentative map can be stopped before it gets to the governing body, then there should be some appeal provisions.

FRED WELDEN, in answer stated it had not been spelled out whether the planning commission could actually approve or deny a tentative map or whether that was strictly the governing body authority. He said the planning commission recommends to the governing body and then that body takes action, therefore, there would be no need for an appeal procedure from the planning commission.

SENATOR ECHOLS stated the people who headed up the subcommittees and the people working on the committees really had a lot of input with tremendous subcommittee results. He said he sincerely urged that any serious changes recommended be discussed with either Jerry Lopez or one of the two chairmen.

In answer to SENATOR LAMB'S question of the different kinds of subdivisions found in the different Nevada communities, IRENE PORTER stated the uniqueness of the character of Nevada was recognized within the concept of SB107 which will be seen later in the bill now in the bill drafter's office under provisions of 278. It will have a broad concept policy but will let the law be administered whether on state or local level with the same level or stricter enforcement, and a variety of different ways to accommodate the uniqueness of subdivision and land development throughout the state. Counties that have no regulation staff will go to the state administration.

FRED WELDEN said the testimony from the technical groups indicated there was a duplication of reviews on water facilities, etc., and that there was enough staff in the State Health Division to handle the reviews. The first

position of the subcommittee was to eliminate the PSC review totally, but the PSC indicated it would like to have an active position. So rather than leaving the PSC in and having the authority in two different places, the committee decided that if the state health does not want to take over the responsibility, it was the committee's position that the responsibility just would not exist.

SB106 Modifies requirements for the regulation of certain sources of air pollution.

FOLA FORST, Nevada League of Women Voters. Read a prepared statement favoring SB106. Attached as Exhibit "E."

ERNIE GREGORY, acting administrator Nevada Environment Protective Services, Dept. of Human Resources, read a prepared statement attached as Exhibit "F." He added the department suggested deleting everything that is in italics because it pretty well kills anything the Environment Protective Services can do. He said in effect, the program died as of January 17, 1977, re: line 8, page 1 of SB106. The state environmental commission and Clark County had adopted their own complex source regulations which were much more stringent than the unexisting federal regulations. During the last legislative session, the regulations were changed to comply with the federal regulations, which now cease to exist. At the present time there are no state regulations for complex sources. Mr. Gregory continued by saying the automobile is the biggest culprit. He said the environment commission was charged by the last legislative session to look at various alternatives for implementing an auto emission control program and that that report was supposed to be completed by the beginning of this session.

IRENE PORTER said some regulations were passed in Nevada about four years ago in anticipation that the Federal Government would induce indirect source regulations on the state. The government has not enforced indirect source regulations because it seems at the federal level, it became a controversial issue as to what the real benefit was of complex source regulations. Did it really contribute to the decreasing of air pollution within our areas, or maybe it was a cosmetic approach. What SB106 says basically is that if the Federal Government does impose indirect source regulations on Nevada through passage of laws, then, of course, Nevada must comply with those laws.

Mrs. Porter added one thing that seemed to conflict with the report is the deletion, on page 2, line 16, "which: (1) In the case of complex sources, are equivalent to, but not stricter than;". She said it was the intent of the

committee to let that stand as it was as the committee felt state regulations should at no time be stricter than the Federal Government.

CHUCK BREESE, Washoe County District Health Dept., testified it is scientifically provable that smooth flowing traffic involving motor vehicles pollutes less in terms of carbon monoxide than idle or backed-up, cued traffic and that is the very heart of the complex source regulations. He stated he didn't feel Nevada should wait for EPA to invoke protection of what is treasured in Nevada in terms of resources and environment.

In reply to Chairman Sheerin's question as to the number of cars necessary for the government to get involved, Mr. Breese answered that 1,000 cars was the criterion up until Jan. 17. He said a subdivision, large or small, has not in the past been subject to the complex source review.

LAURNAL GUBLER, representing the point of view of the Nevada State Highway Department, testified next. He said he would like to solicit clarification of the bill and if the bill is not amended, then oppose it. He said he would like testimony clarified which indicated there is no complex source regulation in existence today. That is not the opinion of the Federal EPA. They still believe they have jurisdiction and control over highways and airports as far as indirect source regulations go. If that is a fact, then SB106 serves no useful purpose. His department questions the standards that could be set and the cut off point.

CHAIRMAN SHEERIN asked even if there are federal regulations concerning highways and airports, why does that render this legislation inadequate.

MR. GUBLER replied, the way he read Subsection 3, SEC 1, is that if the Federal EPS does initiate regulations then this bill becomes effective. He stated he believes there really is federal legislation. He continued by saying on Page 2 it talks about standards that are equivalent to or stricter than those established by state and local regulations, however these standards are not outlined. He said the highway department is opposed to counties and areas having different air quality standards. He added the highway department has been complying with indirect source regulations as best as possible, but have encountered inordinate delays in receiving certificates---delays which have been troublesome to projects especially in the northly part of Nevada where short seasons are a factor. The highway department is preparing a written response in opposition to SB106. They do not believe that state

and local standards should be stricter than federal standards.

In reply to Chairman Sheerin's question, "Why," Mr. Gubler said his personal opinion is the indirect source review does not help air quality. There is no demonstration of that at the present time, according to Mr. Gubler. He said he personally disagrees with the state highway department opinion.

JOHN MADOLE, Associated General Contractors, was next to testify. He handed out written amendment change proposals, attached as Exhibit "G."

GENE MILLIGAN, Nevada Association of Realtors, in testifying on SB106, endorsed statements made by Mrs. Porter and Mr. Madole.

JERRY LOPEZ, explained as a point of information, the way SB106 is drafted the program it is talking about is the emission control procedures and does not apply to complex sources or are limited by the provisions of Subsection 3.

MR. MILLIGAN stated, "That is what we wanted in the record."

ERNIE GREGORY, in providing a point of information, stated complex source regulations first applied to residential, governmental and industrial institutional developments--- developments which generally create 1,000 vehicle trips per hour. The U. S. Environmental Protection Agency has disapproved the states implementation plan for carbon monoxide in both Clark and Washoe Counties, which have been designated as air quality control maintenance areas. We believe that the complex sources regulations does help to some extent. We realize we are going to have to set up traffic control techniques, which will take a long time to develop. According to a decision handed down in New York City by the Supreme Court, the EPA can mandate certain control techniques. The complex source regulation, as it was originally intended and as it is proposed if it remains in effect, does give a small handle on the overall air quality problem of Clark and Washoe Counties.

ROGER TROUNDAY, director of Department of Human Resources, said he would like to point out that when complex sources was established in Nevada, it came out of public hearings where everyone had an opportunity for input. It is basically a prevention type of action. The complex source approach is a way of establishing a little tighter restriction over the air quality over Nevada than what the Federal Government stands for and yet not standing in the way

of economic progress.

CHAIRMAN SHEERIN said if involvement in complex sources is desired, then a new bill will be necessary as SB106 does not cover the situation.

MR. TROUNDAY stated the last legislative session took away the regulations if the Federal Government did not act. His department feels Nevada should have the regulations, no matter what the Federal Government does. The Environment Commission would like to establish some standards in Nevada to ward off future problems of air quality. He said his department is now out of business due to the federal regulations not being acted on before Jan. 17, 1977. If the people of Nevada want federal standards then his department certainly will not oppose.

SB105 Requires certain local government agencies to enforce specified building standards.

AL EDMUNDSON, representative of the Consumer Health Protection Service, testified in favor of SB105.

FRED WELDEN, in reviewing SB105, stated it transfers the authority to enforce regulations and to inspect construction of mausoleums to the local government. The State Health Department still has the authority to set regulations and to inspect construction, however.

In summation, MR. WELDEN stated what SB106 says is that if the Federal Government ever decided to enforce its regulations then the state program would be run by the local governments of cities and counties rather than by the state. The concept behind SEC 2, line 17, is that if the local governing body chose for its local area to have stricter regulations than the federal regulations, then that is the local government's prerogative and it could be done through local hearings. According to testimony heard during this meeting, the sympathy was regulations should not be stricter than the federal regulations. The way the bill is written it allows local governments to impose stricter regulations.

MR. LOPEZ, in adding comment, stated he felt two policy decisions were in question: 1) should we have complex review in Nevada at all; and 2) should they be stricter than federal regulations or should the local regulations be stricter than state regulations, and how should it be done. He said he was concerned if it really is clear that as of Jan. 17, 1977, there are no regulations. The gentleman representing the highway department indicated there is some sort of EPA regulations effecting the highways and airports. In a broad language this could be affective with respect to highway and airport and not with respect to subdivisions.

FRED WELDEN: Subdivisions are a bad example. We are mostly talking about shopping centers, football stadiums, hotels and things like this that are a more spread out type of development.

JERRY LOPEZ: He (state highway representative) seemed to suggest the EPA was currently enforcing some type of indirect source regulation in regard to highways and airports.

FRED WELDEN: The word we have had from the beginning is that the EPA was never intending to implement what is "known as the complex source review."

JERRY LOPEZ: That is critical because what triggers the cut-off of our state program and from SB106, initiation of this new language here, is the EPA delaying the effective date of its enforcement. Perhaps the gentleman from the highway department was referring to another federal agency.

FRED WELDEN: The State Health Division interprets it as being dead as of January 17, 1977.

JERRY LOPEZ: This is what brings up the initial policy question of should we have complex source review in Nevada or shouldn't we.

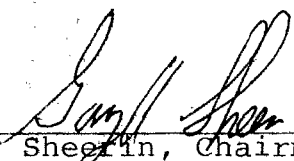
FRED WELDEN: The next question is if we do should it be a state program or a local government program; and the third question is: should the regulations be stricter than federal regulations.

CHAIRMAN SHEERIN adjourned the meeting at 3 p.m.

Respectfully submitted,


Committee Secretary

APPROVE:


Gary Sheerin, Chairman

GUEST REGISTER

COMMITTEE

DATE: Feb 7, 1977

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
James L. Edwards	yes	105 107	Health Division
L.H. Dodgin	yes	107	Health Division
Rusty Nash	yes	107	Washoe Co. Regional Planning Comm Washoe Co. District Attorney
Zola Forst	yes	106	Nevada League of Women Voters
Michael W. Ewald	no	-	City of Reno
Ann McIligan	yes	106 107	Nevada Assn. of Realtors
Bill Cozart	yes	106 107	Nevada Assoc. of REALTORS
Louise A. Gubler	yes	106	NEVADA STATE HIGHWAY DEPARTMENT
Randy Bowling	no	106	Nevada State Highway Dept
Mike McFall	no	106	Nevada State Highway Dept.
Richard W. Dunken		105-107	CITY OF LAS VEGAS
John Moschetti	NO	-	Elko Co Assessor
Ernie Gregory	Yes	106	Nev. Envir. Prot. Services
Roger Broadway	No	106-107	Dept Human Resources
Russell Matthews	No	105 107	Washoe County
Chuck Breese	Yes	106	Washoe County
Gene Porter	yes	105, 106, 107.	Tech. Com. - SER 48 report So. Nev. Homebuilders
Dick Porter	no		self
Red Welden	Yes	105, 106, 107.	Nevada State Land Use Planning Agency
Bob Erickson	No	-	" " " " " " " "
Adley	no		no reply
W.O. Belcher	NO	106	S. Cal Edison Co.
Tom Young	No	106	S.P.C.
Tom Moore		107	Clark County
ERNE ROSSE	NO	107	ENV. PROTECTION SERVICES
Sam Wilcox	YES	107	Lemmon Valley Improvement Ass'n
Debbie Shelton	yes	107	Virginia Ft. Hills Homeowners Assoc
Arlene Grimes	no	107	self
JOHN MADOLE	YES	106	ASSOC. GEN. CONTRACTORS
VERN MILLARD	No	105-107	MILLARD REALTY

Fred Welden

Exhibit "A"

MEMBERSHIP OF
TECHNICAL ADVISORY COMMITTEE
ON SCR 48

Southern Nevada

(Coordinator)

Irene Porter, Director
No. Las Vegas Planning

Karsten Bronken
Engineer

Larry Hampton, Director
Las Vegas Public Works

Bob McNutt
Engineer

James Scholl
Clark County Engineering

Kay Adams, Surveyor
NV. Assn. of Land Surveyors

Robert Eads, City Engineer
Boulder City

Jack Kenney
So. NV. Homebuilders Assn.

John Pisciotta, Director
Clark County Bldg. & Safety

Willem Stolk
Clark County Health Dept.

Greg Borgel
Clark County Planning Dept.

Robert Gordon, Planning Dir.
Henderson

Al Levy, Realtor
Levy Realty Co.

Ron Reiss, Realtor
Lansford & Couch

Robert Weld
So. NV. Homebuilders Assn.

Northern Nevada

(Coordinator)

Fred Welden
State Land Use Planning

Glen Thompson
Assistant City Engineer Reno

Ron Young, Director
Humboldt Co. Planning Dept.

Mark Meiser
Meiser Enterprises, Inc.

Mike Marfisi
Attorney - Elko

H. LaVerne Rosse
Environmental Protection Serv.

Jim Barnes, Deputy A.G.
Real Estate Division

Jim Newman
Building Contractor

George Boucher
Elko County Manager

(Coordinator)

Bob Erickson
State Land Use Planning

Robert Churn
Engineer, City of Sparks

B. P. Selinder
Churchill Co. Resource Coord.

Charles Breese
Washoe Co. District Health Dpt.

Walt Neitz
Nevada Land Surveyors Assn.

Lew Dodgion
State Health Division

Corky Lingenfelter
Nevada Assn. of Realtors

Don Bayer
Washoe Co. Regional Planning

Richard Wagner, District Atty.
Pershing County

Mike Lattin
Chilton Engineering

Alex Fittinghoff
Sparks Community Dev. Coord.

Floyd Vice
Washoe County Engineer

Ron Byrd
SEA Consulting Engineers

Robert Gardner, Director
Douglas Co. Public Works

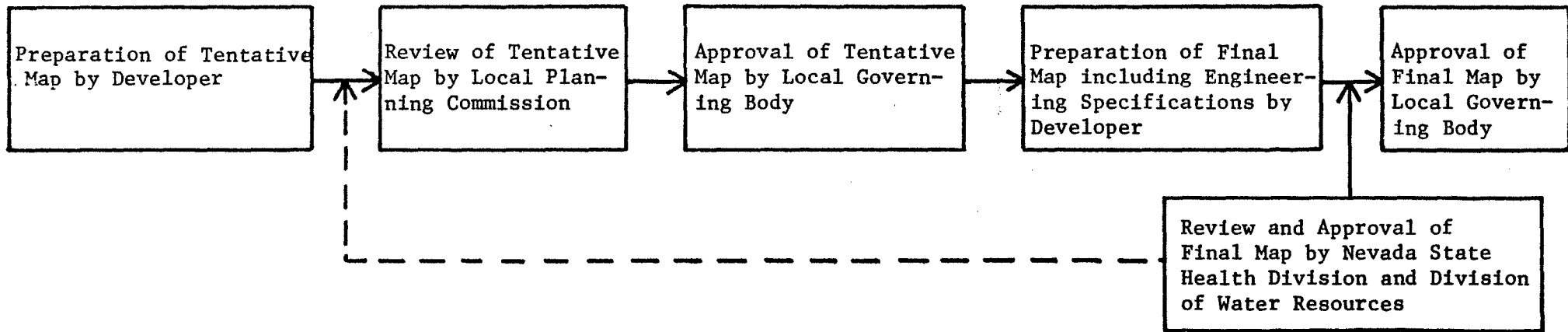
Allan Means
Means Engineering Services

Ralph Cipriani, Director
Nye County Planning

Tom Conger
Sharp, Krater & Associates

Bill Newman
State Water Resources Division

GENERALIZED SUBDIVISION REVIEW PROCESS



- > Indicates Existing Steps in Subdivision Review Process
- - - - -> Indicates Recommended Placement of Nevada State Health Division and Division of Water Resources Reviews

Compiled By; Nevada State Land Use Planning Agency
As Co-Chairman Of: Technical Advisory Committee of SCR 48

Lee Dodge

Exhibit "B"

RE: S. B. 107

The Health Division of the Department of Human Resources supports this bill in general.

We have one objection and that is to the provisions of Section 4. We request that this section be eliminated. Section 4 requires that the Health Division certify to the Public Service Commission that a subdivision's water system meets the requirements of Public Service Commission regulations.

Section 13 repeals NRS 704.679, which gives PSC the authority to check plans for both sewer and water systems and allows for a \$200 plan check fee.

NRS 704.679 also exempts systems which are already under the Commission or those which are controlled by local government, including 318 Improvement Districts.

These are not eliminated by Section 4, nor does Section 4 provide for plan check fees or make any provisions for the fiscal impact that this will have on the Health Division.

It is our position that PSC should review the plans for utilities which will or do come under their jurisdiction.

Sen. Badger *E. phubut "C"*
CONSUMER HEALTH PROTECTION SERVICES

Suggested Amendments to SB 107

February 7, 1977

page 2 line 49

116

(e) Be approved by the health division of the department of human resources or the local agency acting pursuant to section 3 of this act, concerning [sewage disposal, water pollution] water quality and water supply facilities; and in conjunction with the environmental protection division of the department of human resources concerning sewage disposal and water pollution.

page 3 line 36

117

(a) The health division of the department of human resources, or the local agency acting pursuant to section 3 of this act, showing that the [health division has approved the] map or plan is approved concerning [sewage disposal, water pollution,] water quality and water supply facilities[.]; and in conjunction with the environmental protection division of the department of human resources concerning sewage disposal and water pollution.

page 7 line 18

278

(a) The health division of the department of human resources, or the local agency acting pursuant to section 3 of this act, showing that the [health division approved the] final map is approved concerning [sewage disposal, water pollution,] water quality, [and] water supply facilities[.] and in conjunction with the environmental protection division of the department of human resources concerning sewage disposal and water pollution.

Suggested amendments to SB 107:

p.4. line 39 ff.: Criteria for approval of tentative subdivision plats. Add reference to adequacy of schools, as suggested by legislative subcommittee. We suggest that after (e) Will not cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways existing or proposed. should be added (f) Will not cause unreasonable crowding at the schools ~~xxxx~~ which serve the area in which the subdivision is located.

p. 4. line 17 ff, and p. 4. line 39 following: Procedures for considering tentative subdivision plats. Should require public hearing and public noticing prior to approval, disapproval, or conditional approval. Suggest adding to both the Section 5 which discusses the Planning Commissions' procedures and to Section 6 which discusses the governing body's procedures: After holding a duly noticed public hearing...

Final

SB 106 (COMPLEX SOURCES)

7 Feb Monday, Lm 323, 1:30 pm or pm adj.

1712 New
= Exhibit "E"

The League of Women Voters of Nevada believes that there will be a significant number of adverse impacts should SB 106 pass as currently written.

This bill allows Nevada state and local regulations on complex sources to be no stricter than federal regulations. Whereas the federal regulations are developed for the entire country and must, therefore, cover a broad spectrum of air quality situations, we believe the Nevada law should be flexible enough to allow more protective measures, if the state determines federal regulations will not adequately protect our deteriorating air quality. We must recognize that what is appropriate for Pittsburgh may not be appropriate for Nevada; that both Nevada's rural and urban areas are not willing to settle for New York or Los Angeles air quality.

By giving enforcement jurisdiction for complex sources to the individual cities and counties, SB 106 is fractionalizing and fragmenting the total air pollution control effort. The Nevada statutes recognize that air pollution is an areawide problem. The purpose of placing enforcement authority with an areawide agency such as a county or a Health District is to recognize the areawide impact of the sources and control of air pollution, to avoid the complications and problems created when the cross-boundaries effects are not identified and dealt with. The result will be a fragmentation of the approach to air quality improvement with no one having the overall knowledge and assessment of the impact of particular local projects.

Most, if not all, local entities have little or no expertise, staff or budget to handle air pollution control problems or to evaluate complex sources which requires the full range of technical expertise. Will this then develop into duplication of staff, budget and operations? Even if the job were contracted through interlocal agreement with the local Health District, the process would be complicated and the red tape increased.

Bregory

STATEMENT OF DICK SERDOZ
AIR QUALITY OFFICER
NEVADA ENVIRONMENTAL PROTECTION SERVICES

BEFORE THE
SENATE COMMITTEE ON ENVIRONMENT,
PUBLIC RESOURCES, AND AGRICULTURE
FEBRUARY 7, 1977, AT 1:30 p.m.
ON SENATE BILL 106

I AM HERE TO REQUEST THAT THE PROHIBITIONS OF ENFORCING COMPLEX OR INDIRECT SOURCE REGULATIONS CONTAINED ON PAGE 1, LINES 1 THROUGH 23, AND PAGE 2, LINES 1 THROUGH 4, BE AMENDED TO ALLOW BOTH THE STATE AND LOCAL AGENCIES TO IMPLEMENT THE COMPLEX SOURCE REVIEW PROCEDURES ON MAJOR ATTRACTORS OF AUTOMOBILES.

COMPLEX SOURCES ARE MAJOR TRAFFIC ATTRACTORS AND DO CAUSE TRAFFIC CONGESTION, THEREBY CAUSING AIR POLLUTION. THIS IS QUITE EVIDENT BY THE NUMBER OF DAYS THAT VIOLATIONS OF AIR QUALITY STANDARDS OCCURRED. IN LAS VEGAS IN NOVEMBER AND DECEMBER 1976, AND JANUARY 1977, THERE WERE FIVE POLLUTION HEALTH ADVISORIES EXTENDING OVER TWELVE DAYS. THAT MEANS THAT THE AIR QUALITY IN LAS VEGAS WAS TWICE AS BAD AS THE HEALTH STANDARD. THE CAUSE OF THESE VIOLATIONS WAS PREDOMINANTLY AUTOMOBILE EMISSIONS. THIS LEVEL OF POLLUTION DID NOT OCCUR IN THE RENO-SPARKS AREA IN 1976; HOWEVER, IN 1975 THERE WERE FIVE TIMES IN WHICH A HEALTH ADVISORY COULD HAVE BEEN CALLED IN RENO. THERE WERE 64 DAYS IN WHICH THE EIGHT HOUR CONCENTRATION FOR CARBON MONOXIDE VIOLATED THE HEALTH RELATED STANDARDS IN RENO AND 40 DAYS IN WHICH THE EIGHT HOUR STANDARD WAS VIOLATED IN CLARK COUNTY IN 1975. SOON, EVEN LAKE TAHOE WILL START TO HAVE SIGNIFICANT PROBLEMS IF SOMETHING IS NOT DONE.

THE AIR POLLUTION PROBLEM IS NOT RESTRICTED TO CARBON MONOXIDE IN NEVADA. ALL OF OUR MAJOR METROPOLITAN AREAS ARE EXPERIENCING PROBLEMS WITH CARBON MONOXIDE AND OXIDANTS. THE OXIDANTS ARE A SECONDARY REACTION FROM THE EMISSIONS OF

HYDROCARBONS, NITROGEN OXIDES, AND SUNLIGHT. A THIRD POLLUTANT, PARTICULATE OR DUST, IS ALSO ASSOCIATED WITH THE MOTOR VEHICLES. THIS HAS RECENTLY COME TO LIGHT FROM EPA'S PEDCO STUDY ON FUGITIVE DUSTS IN LAS VEGAS AND RENO. THE DUST PROBLEMS ARE NOT FROM THE DIRECT EMISSIONS FROM THE AUTO TAILPIPE, NOR FROM THE DIRECT EMISSIONS FROM STATIONARY SOURCES, BUT FROM ROAD WEAR, THE WEARING DOWN OF TIRES, BREAKING UP OF LARGE DIRT PARTICLES, AND THE REINTRAINMENT OF THIS DUST ALONG THE STREETS.

THE EXISTING AMBIENT AIR CONCENTRATIONS FOR CARBON MONOXIDE MUST BE REDUCED BY AT LEAST 60% IN LAS VEGAS AND RENO-SPARKS AREAS TO MEET FEDERAL AIR QUALITY STANDARDS. THIS REDUCTION CANNOT BE ACCOMPLISHED WITH THE INTRODUCTION OF THE NEW MOTOR VEHICLES EVEN IF THE FEDERAL CONTROLS WOULD HAVE BEEN MAINTAINED AT THE 1975 LEVEL. THE PARTICULATE, OR DUST, LEVELS AT THE SAHARA CASINO IN LAS VEGAS, THE LAS VEGAS FIRE DEPARTMENT, THE NORTH LAS VEGAS FIRE DEPARTMENT, AND THE DOWNTOWN AREAS OF RENO AND SPARKS, REQUIRE PARTICULATE EMISSIONS TO BE REDUCED BY AT LEAST 40% TO MEET THE HEALTH RELATED PARTICULATE STANDARD. ODDLY, THESE SITES WERE SIGNIFICANTLY HIGHER THAN SOME OF THE SITE IN THE MORE REMOTE AREAS WHERE CONSTRUCTION OR DEVELOPMENT WAS OCCURRING.

IN ALL OF THE REVIEWS FOR THE VARIOUS COMPLEX SOURCES, NOT ONE SOURCE HAS BEEN DENIED. THE DEPARTMENT OF HUMAN RESOURCES, IN 1974, ISSUED PERMITS TO PALOMINO VALLEY, SILVER CITY MALL, CENTRAL VALLEY MALL, J.C. PENNEY'S; SAHARA AVENUE PROJECT, SPARKS CENTER ASSOCIATES, LAS VEGAS FASHION CENTER, TAHOE PALACE, AND HOTEL OLIVER, IN 1975; AND REISSUANCE OF THE LAS VEGAS FASHION CENTER IN 1976. CLARK COUNTY ISSUED PERMITS TO LEWIS HOMES, ALADDIN HOTEL, ROADSIDE DEVELOPMENT ENTERPRISE SERVICES IN 1975; THE MEADOWS SHOPPING CENTER AND DUNES HOTEL EXPANSION IN 1976. WASHOE COUNTY ISSUED PERMITS TO THE RENO SHOPPING CENTER AND MGM IN 1976.

ALL OF THE SOURCES THAT WERE REVIEWED HAD TO CONSIDER AND DEVELOP A GOOD TRAFFIC FLOW PATTERN AROUND THE FACILITY. THE IMPLEMENTING REGULATIONS REQUIRED THE COMPLEX SOURCE DEVELOPERS TO WORK WITH THE TRANSPORTATION AGENCIES TO ESTABLISH MINIMUM SPEEDS AND TO DESIGN ENTRANCES AND EXITS TO HANDLE THE MAXIMUM NUMBER OF CARS PROJECTED TO USE AN ENTRANCE OR EXIT. THIS, IN THE LONG RUN, WAS AN AID TO THE PROJECT AND LOCAL TRAFFIC MANAGEMENT BY PROVIDING BETTER ACCESS AND IMPROVING TRAFFIC FLOW PAST THE SOURCE. THE ONLY EXCEPTION WAS THE DUNES HOTEL EXPANSION WHICH REQUIRED THE INSTALLATION OF EXHAUST SYSTEMS IN THE CANOPY AT THE CASINO ENTRANCE. IN SOME CASES THERE WERE STATE, FEDERAL, OR LOCAL FUNDS NECESSARY FOR THE IMPLEMENTATION; AS A RESULT, SOME OF THE ANTICIPATED ROAD IMPROVEMENTS HAVE NOT BEEN COMPLETED PRIOR TO THE OPENING OF THE FACILITY; THIS IS A PROBLEM. BUT, THE REVIEWS HAVE, IN GENERAL, BEEN AN AID TO THE LOCAL POLITICAL SUBDIVISION IN THAT THE SOURCES, THE COMPLEX SOURCES, IN MANY INSTANCES, ARE FINANCING OR CONSTRUCTING ADDITIONS TO PUBLIC STREETS WHICH WOULD HAVE HAD TO HAVE BEEN PROVIDED BY THE LOCAL DOLLAR IF IT WAS NOT A CONDITION OF THE PERMIT.

THE COMPLEX SOURCE REVIEW, WHILE IT WAS BEING FULLY IMPLEMENTED BY THE STATE AND LOCAL AGENCIES, DID NOT AFFECT OR SLOW DOWN THE CONSTRUCTION INDUSTRY IN ANY APPRECIABLE DEGREE. ADMITTEDLY, THERE WERE DELAYS UP TO FOUR MONTHS IN THE INITIAL REVIEW OF APPLICATION WHEN THE AIR POLLUTION STAFFS WERE BEING TRAINED, BUT SINCE THAT TIME THERE HAVE NOT BEEN ANY DELAYS OUTSIDE OF THE DELAYS THAT ARE REQUIRED BY THE REGULATIONS. THE REGULATIONS REQUIRE FIFTEEN DAYS TO REVIEW THE RECEIVED INFORMATION AND TO PUBLISH AN INTENT, THIRTY DAYS FOR PUBLIC REVIEW, THIRTY DAYS FOR EVALUATION AND ANSWERING OF COMMENTS. IN MOST CASES THERE WAS LESS THAN SIXTY DAYS FROM THE TIME OF RECEIPT OF THE APPLICATION UNTIL THE REGISTRATION CERTIFICATE HAS BEEN ISSUED. I WOULD POINT OUT THAT MOST OF THE

REVIEWS WERE MADE AND COMPLETED DURING THE DESIGN PHASE OF THE PROJECTS, WELL BEFORE CONSTRUCTION WAS UNDERTAKEN.

THE COST ESTIMATES THAT HAVE BEEN RECEIVED BY OUR AGENCY FOR THE VARIOUS REGISTRATION APPLICATIONS HAVE RANGED FROM \$1,000 TO A MAXIMUM OF \$15,000 ON A PROJECT FOR PREPARING THE ENVIRONMENTAL ASSESSMENT. THE \$15,000 WAS A VERY SMALL PORTION OF THE ESTIMATED \$40,000,000 FOR THE PROJECT.

THE EFFECT ON OVERALL AIR QUALITY BY REGULATING A SINGLE COMPLEX SOURCE IS NOT READILY MEASURABLE. THE SPECIFIC PURPOSE IS TO ELIMINATE CARBON MONOXIDE HOT SPOTS IN THE VICINITY OF THE COMPLEX SOURCE. BUT, THERE CAN BE LITTLE DOUBT AS TO THE EFFECT ON OVERALL AIR QUALITY RESULTING FROM SEVERAL COMPLEX SOURCES.

WHILE CARBON MONOXIDE HOT SPOTS WILL CONTINUE TO BE A PROBLEM, BECAUSE OF THE EXISTING MAJOR VEHICLE ATTRACTORS, SHORT-TERM OVERALL AIR QUALITY MAINTENANCE MAY BE JEOPARDIZED IF SOME CONTROL IS NOT MAINTAINED ON NEW COMPLEX SOURCES.

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS DISAPPROVED THE STATE'S IMPLEMENTATION PLAN FOR CARBON MONOXIDE IN BOTH CLARK AND WASHOE COUNTIES. BECAUSE OF THIS DISAPPROVAL THE STATE AND LOCAL AGENCIES ARE REQUIRED TO LOOK AT THE REASONABLE AVAILABLE CONTROL MEASURES. THEY ARE ^(Auto) INSPECTION MAINTENANCE, VAPOR CONTROLS AT THE SERVICE STATION, TRAFFIC MANAGEMENT, COMPLEX SOURCE REVIEWS, AND EMISSIONS ALLOCATIONS. ONLY TWO OF THOSE CONTROL MEASURES WILL REALLY GET AT LONG TERM CARBON MONOXIDE PROBLEMS. THEY ARE AUTO INSPECTION MAINTENANCE AND TRAFFIC MANAGEMENT. THE INSPECTION MAINTENANCE PROGRAM, I HOPE, WILL BE CONSIDERED DURING THIS LEGISLATIVE SESSION. EVEN IF INSPECTION MAINTENANCE IS IMPLEMENTED, IT WILL BE ONE OR TWO YEARS BEFORE ANY SIGNIFICANT IMPACT WILL BE REALIZED. IF A TRAFFIC MANAGEMENT CONCEPT IS ADOPTED IT WILL BE A NUMBER OF YEARS BEFORE A TOTAL PACKAGE CAN BE DEVELOPED.

OVER THE SHORT RUN, THE COMPLEX SOURCE REVIEW IS A WAY OF HEADING OFF A PROBLEM BEFORE IT GETS TOO SEVERE AND UNTIL OTHER TYPES OF CONTROL STRATEGIES CAN BE IMPLEMENTED. I STRONGLY RECOMMEND THIS COMMITTEE AMEND SENATE BILL 106 AND PROVIDE AUTHORITY TO THE STATE AND LOCAL AIR POLLUTION CONTROL AGENCIES TO IMPLEMENT ADEQUATE COMPLEX SOURCE REGULATIONS.

Proposed Amendments to SB 106

Amend line 2, page 2 to read as follows:

"it adopts which are [at least as strict as] no stricter than federal indirect source regula-"

Amend paragraph (b) page 2, lines 15 through 21, to read as follows:

"(b) The program shall

(1) Establish by ordinance or local regulation standards of emission control, emergency procedures and variance procedures which:

[(1)] (a) In the case of complex sources, are equivalent to, but not stricter than; and

[(2)] (b) In the case of all other sources, are equivalent to, [or] but not stricter than those established by statute or state regulation; and"

* [] language being deleted

* ___ Language being added