

**AIR QUALITY ADVISORY BOARD
REGULAR MEETING
MONDAY, OCTOBER 15, 2012**

DATE: Monday, October 15 2012
LOCATION: 215 N. Mason Conference Room 1-A
TIME: 5:30 – 8:30 pm

For Reference Greg McMaster, Chair - 484-3348
Ben Manvel, Council Liaison - 217-1932
Lucinda Smith, Staff Liaison - 224-6085

Present: Scott Groen, David Dietrich, Nancy York, Dennis Georg, Rich Fisher, Greg McMaster, Hugh Mackay

Absent: John Schroeer, Michael Lynn

Staff present –Alexis Hmielak, Lucinda Smith, Bonnie Pierce, Dan Weinheimer, Lindsay Ex

Guests: Dr. Jennifer Peel, presenter, Bob Overbeck, Fred Kirsch, Sarah Landry, Tom Moore,

Call meeting to order:

Greg McMaster called the meeting to order at 5:35 pm.

Agenda Review - none

Public Comments –

- Fred Kirsch from CforSE, a grassroots group for sustainable energy practices, addressed the board. His group has been canvassing in Fort Collins and asking people about their position on oil and gas development in this area. He handed the board a support statement, a copy of their petition, samples of their letter writing flyers and two examples of letters people are writing to council. CforSE has been working on this project since last December. Fred knows fracking is not going away, but his group is concerned how to protect public health. The key to their position is “a citizens right to know” if oil and gas operations are putting toxins in their environment. So far people in the area have indicated they would be more comfortable with real time monitoring with an alert phone call to citizens and the operator if there is a toxic release.
- Bob Overbeck reported he went to the CSU oil and gas symposium to educate himself and is glad to see the AQAB is weighing in on oil and gas development in Fort Collins.

CSU Commuter Study

Dr. Jennifer Peel, Associate Professor at CSU in epidemiology, specializing in public health, provided a short overview of the commuter research project that will be funded by the National Institutes of Health (NIH). The program will begin in January and last for five years and will work with the University of South Florida and cardiologists and pulmonary specialists.

- The objectives of the study are: to measure air pollution exposure during driving and cycling commutes; use source-receptor models to predict air pollution exposures during commutes; and to examine exposures and subclinical health effects during prescribed commuting routes.
- Selected people will wear 12-16 pound backpacks containing testing equipment while taking selected car and bike routes throughout Fort Collins. In the health monitoring section of the study, they will issue cars to people that will have the same impacts on the environment.

Oil and Gas Regulations

The AQAB reviewed air quality aspects of the draft Fort Collins Oil and Gas Regulations in advance of City Council consideration on November 20, 2012. Staff present to answer questions were: Dan Weinheimer, Policy and Project Manager; Lindsay Ex, Environmental Planner; Laurie Kadrich, Director, Community Development and Neighborhood Services; and Bonnie Pierce, Environmental Data Analyst.

- As background, Lucinda Smith stated the AQAB had been sent some materials that identified the Land Use Codes as they relate to air quality. Tonight's presentation gave an overview of oil and gas activity in the area and provided background on the oil and gas regulatory framework that the City's Oil and Gas Staff Team has been working on.
- The City Oil and Gas team is suggesting two options that they feel would protect and preserve the quality of life, environment, and public health in Fort Collins without causing legal action from the oil and gas industry.
 - A standard review process – (through a Planning Zoning Board) – Intended to go through a public process.
 - Be open to all operators.
 - Hold pre-application meeting.
 - Must meet all City regulations.
 - Applicant must conduct a neighborhood meeting and public hearing.
 - A third-party consultant may review application as determined by the City.
 - A Planning and Zoning Board hearing resulting in a notice of approval.
 - Operator encouraged to execute operator agreement.
 - An expedited review process - (Basic Development Review) – would have more prescriptive standards.
 - Be open to qualified operators.
 - Applicant cannot qualify without pre-application meeting.
 - Must meet all enhanced City regulations and requirements such as meeting all setbacks: 500' from occupied structure/water wells, Natural Areas, City Park, and water body or wetland.
 - Director approved.
 - Operator must execute operator agreement.
- City Council has delayed hearing this item until December 4. This gives the AQAB extra time to draft any recommendations they may have.
- The team then asked the AQAB if they supported any or all of the suggested regulations or did they have any additional air quality protection approaches that should be considered.

Discussion:

- Nancy York: There should be more widespread public notice. Lindsay Ex: there will be postings in the local paper and on the City's website.
- David Dietrich: What is the difference in staff time for each process. Laurie Kadrich: both will have same review process by internal staff. Most of the time is spent in review of the application.
- Hugh Mackay: It seems citizens would have the most protection with an expedited review. However, would there be problems if public meetings are not required? Lindsay Ex: Other communities have dealt with this differently and what works well there might not work well here. Our goal is to draft a process that works best here. Based on our research, an expedited process may afford protections we would not get in a different type of review.
- Hugh Mackay: Is the Oil and Gas Commission OK with the City having local inspectors? Lindsay Ex: Yes, however, our inspectors would have to use the same standards as the federal inspectors. Also, the City cannot charge the oil and gas operators for the inspectors because they are already paying for federal inspectors. Bonnie Pierce: Monitoring would also depend on the City's ability to fund the inspectors.
- Dennis Georg: clarity of what the real-time monitoring requirements are will help the operators know what their costs will be. Real-time monitoring is a community "right to know" issue. Bonnie Pierce: The initial

approach was based on what the City can afford. The question becomes at what threshold, or how many wells, would real-time monitoring be needed. The state has staff and modelers that could work with the data we would give them. Dennis Georg: I envisioned the operators paying for this. He suggested both sampling and monitoring and looking at what other states have done.

- Rich Fisher: Have you discriminated between sampling of leakage and ambient sampling of the air? Bonnie Pierce: The appendix of the proposal does address that.
- Rich Fisher: Would the monitoring plan be developed by the City? Bonnie Pierce: The original vision was for the City to work closely with CSU to determine funding for processes that would provide acceptable data to the state of Colorado because the City cannot assess fees. There is also the data management aspect to monitoring. Lucinda Smith: The monitoring protocol needs to be fleshed out and any input from the board regarding monitoring would be appreciated. This is a proposal only. The City is not staffed or budgeted to fund any of this at this time.
- David Dietrich: We need a scientific monitoring approach that is accepted by industry. We are looking at a small number of sites within the City. Cooperation from larger companies would be more likely.
- Dennis George: Operators are generally willing to invest in monitoring to increase their certainty.
- Dan Weinheimer: We have talked to Innosphere and other local companies developing technology for real time monitors and are trying to add ways that local businesses can be involved in this process. Dennis Georg: I see a gap in sampling and monitoring the post-production and closing of a well. Bonnie Pierce: The State has good regulations in place from production onward. For that reason we focused on the early phase where we know most of the emissions are. Lucinda Smith: The Air Quality and Control Commission talked about a public stakeholder process to bring Federal regulations into state regulations next year to have the entire air quality regulations controlled by the air quality regulations and not COGCC.
- Greg McMaster: We are also concerned about air quality outside the City and wanted to be more proactive for what is around us. Lucinda Smith: We are looking for board comments on two areas: the land use code regulations within the city limits and also all the non-city regulatory issues.
- Rich Fisher: Is night sky part of the regulations? Lindsay Ex: Lighting is a part of our key universal standards.
- Lindsay Ex: We have 3 questions for the AQAB:
 - Should the AQAB support the proposed standard vs. expedited review process?
 - Should the AQAB support the proposed requirements for air quality protection?
 - Are there additional air quality protection approaches that should be considered?
- Dennis Georg: I am bothered about the specificity of the monitoring. Can we delay regulations until we get a specific proposal from an operator? I don't think we have gone far enough with the Land Use Code. It seems early to go to Council to say we have Part One of the Land Use Code ready and not the other plan to protect air quality. Lucinda Smith: Would it be possible to identify a few specific cutpoints in the Land Use Code regulations that would apply to the number of wells being applied for and what would be required for that number of wells.
- Scott Groen: I don't see that all this planning will do any good because current drilling technology operators can be outside the City limits and drill 3-5 miles laterally back under the City limits. How can you monitor that? If the City of Fort Collins expands its borders, what are the rules for the oil wells that are already there? Lindsay Ex: They are grandfathered. These regulations are helping us get prepared for future technology. Lucinda Smith: These Land Use Code regulations just pertain to surface activities that are within the City limits. Laurie Kadrich: Any area that is in the Growth Management Area that might be annexed into the City will also comply with City standards regarding oil and gas development because of an intergovernmental agreement the City has with Larimer County.
- Greg McMaster: We live in an air shed and would like to know when an application for oil and gas development are submitted. Dan Weinheimer: There are many communication options about applications. Local governments can comment on applications that have been submitted. Larimer County shares with us when they are submitted. Weld County does not share the applications but they are on the CPGCC website.
- Rich Fisher: I am concerned there is a lack of ability for citizens to comment.

- David Dietrich: Thresholds are a good thing but how do you address bad odor and sickness caused by an oil and gas operation. This tends to be a major complaint. The COGCC will probably not send inspectors if everything is within standards. I think the City has the responsibility to provide appropriate air quality readings. City inspectors could go and check these complaints.
- Tom Moore, Western Regional Air Partnership: Ambient monitoring won't provide a lot of information because it is mixed with other things. Infrared cameras might help know where to look for leaks. Also, be sure all the control devices are working at maximum efficiency. Also the setbacks should be as far away as possible, not just 150 feet. That's how you head off problems. Setbacks for a sewage treatment plant is 1,000 ft.
- Rich Fisher: How receptive would the oil and gas operators be to determine how much leakage there is currently in the 8 wells within the City limits?
- Greg McMaster: We know oil and gas development is coming and we can't stop it, but I feel we need to push the envelope as much as possible.
- Dennis Georg: Since we have a start, but no finish for proposed requirements, I think we should tell Council we will come back with a recommendation later. I propose recommendation stating the AQAB supports the proposed standard vs. expedited review process and recommend that Council request staff to come back to Council with a proposal with an update to the monitoring portion of the recommendation no later than June 1, 2013.
- Hugh Mackay: I support question 1 but not sure about 2 and 3.
- Laurie Kadrich: If the AQAB isn't comfortable with specifics, is the board willing to support what we have to get it on the table and request that, no later than June 1, 2013 visit the air quality section of the regulations. Council doesn't want to ramrod this over the objections of boards. What are other components the AQAB would like to see.
- Greg McMaster: I suggest we consider Dennis Georg's proposed motion, email comments and suggestions and discuss at the November meeting.

Review and Approval of September 4, 2012 minutes

Dennis Georg moved and Nancy York seconded a motion to approve the September 4, 2012, AQAB minutes as presented:

Motion passed unanimously

Review and Approval of September 17, 2012 minutes

- Greg McMaster submitted some minor corrections on his West Nile Virus report

Dennis Georg moved and David Dietrich seconded a motion to accept the September 17, 2012, AQAB minutes as amended.

Motion passed unanimously

West Nile Virus Discussion

Greg McMaster reported back on his meeting with Mike Calhoun and Darin Atteberry regarding his comments about the West Nile Virus process. Greg explained to them where he thought the decision to spray or not to spray broke down. Issues included:

- There was pressure on the Advisory Committee and the City Manager to spray because of the upcoming Labor Day weekend. This caused the events and notification to happen faster than usual.
- The Advisory Committee did not formally meet to consider the issue. It had turnover and also all members were not available for a meeting or were up to speed on the process.

- Citizens did not have proper notification.
 - CSU students were not notified by cellphone.
 - The Coloradoan was not cooperative to put a notice on the front page. Plus, they only have an 18% readership in the City.
- Dennis Georg: What will be different next year with similar data. Greg: There needs to be adequate feedback so we truly understand what the situation is. I would hope to have 10 hours to respond if Adrian LaBailey makes a recommendation to spray in order to make sure there is adequate notification for the entire city. There also needs to be quality control within the process with accurate, complete and sufficient data. There are three members on the Advisory Committee and I would hope the majority vote will rule. It all comes down to the City Manager having enough accurate information to make the call and own the decision.
- David Dietrich suggested a conference call among advisory committee members could also be an option.

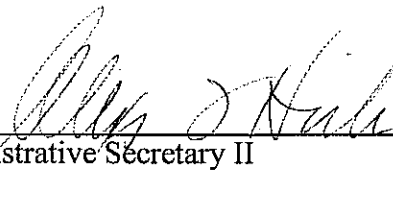
Brief updates & announcements

- There will be a public meeting Thursday, November 8 from 4:30 – 7 pm in the Community Room to discuss an initiative regarding plastic bag and cardboard.
- There will be an All-Board and Commission meeting October 29 at the Lincoln Center. Greg McMaster and David Dietrich volunteered to go and represent the AQAB.
- Bike Advisory Committee Report –
 - As Michael Lynn was absent there was no report.

Adjourn

Dennis Georg moved and Scott Groen seconded a motion to adjourn the meeting.
 Greg McMaster adjourned the meeting at 8:25 pm

Approved by the Board on November 19, 2012

Signed 
 Administrative Secretary II

11 / 19 / 12
 Date

