

**AIR QUALITY ADVISORY BOARD
REGULAR MEETING
MONDAY, MAY 19, 2014**

DATE: MONDAY, MAY 19, 2014
LOCATION: Community Room, 215 N. Mason Street
TIME: 5:30–8:00 pm

For Reference: Tom Moore, Chair 970-988-4055
Ross Cunniff, Council Liaison 970-420-7398
Melissa Hovey, Staff Liaison 970-221-6813

Present:
Tom Moore, chair
Rich Fisher
Dave Dietrich
Scott Groen
Richard (Dick) Thomas
Tom Griggs
Jim Dennison (arrived 5:45)

Absent:
John Shenot

Staff Present:
Melissa Hovey, Staff Liaison
Dianne Tjalkens, Admin/Board Support
Brian Woodruff, Environmental Planner
Ana Arias, Civil Engagement Liaison

Guests:
Greg McMaster, former AQAB member

Call meeting to order: Tom Moore called to order at 5:31pm.

Public Comments:
None

Member Comments:
None

Review and Approval of April 21, 2014 minutes

Scott moved and Tom Griggs seconded a motion to approve the April 21, 2014 AQAB minutes as amended.
Motion passed unanimously, 6-0-0. Jim Dennison arrived after motion.

AGENDA ITEM 1: West Nile Virus Management Plan Update
Greg McMaster, former AQAB member, gave a brief presentation on the recent changes to the West Nile Virus policy and led a discussion on board position and action in advance of the second reading at the June 3 Council meeting.

The City expanded the West Nile program budget to include expanding the trapping and larvaciding period and extending reach farther into County lands. The CSU contract stays the same; they test trapped mosquitos. The communication budget was doubled to work with other entities including irrigated agriculture in the County. The budget does not include adulticiding; that comes out of emergency funds. 5 out of last 11 years at least part of the town has been sprayed. May 6 Council had its first reading of contentious issues, including composition of the committee and panel. They are changing the wording to allow current and former Air Quality Advisory Board (AQAB) and Natural Resources Advisory Board (NRAB) members on the three-person advisory panel. The panel advises Council. Some would like the three-person advisory panel members to be able to attend and participate on the Technical Advisory Committee (TAC), which consists of approximately ten members including representatives from the Air Quality Advisory Board, CSU, local CSA's, etc. Rich is currently the AQAB member of the three-person advisory panel; Greg is a member of the TAC. Greg discussed the opt-out list. The options are to keep the state-registered sensitive people as opted-out or include additional levels of opting-out. Council agreed to allow CSAs, beekeepers, and state registered sensitive persons to opt-out. Spraying affects sales and organic certification of CSAs and is harmful to bees. Council also agreed to go to a zone approach, but the details have not been worked out. The zones are four quadrants intersecting at College and Drake. Dr. Lebailly suggested lowering the vector index, but that was voted down. The advisory panel also wanted to eliminate the 1 human case per week requirement for spraying, but that was voted down as well. Fort Collins and Larimer County have the most cases of West Nile in Colorado. We have influx of mosquitos from the County, and the County is as engaged in prevention/management as Fort Collins. It is a County responsibility by state law, but Fort Collins is taking the brunt of expenses for management. Greg recommended encouraging Council to work with Larimer County. TAC and Council struggle with risk analysis with other human health issues and non-human health issues. He believes a consultant should be hired for this study.

Comments/Q & A

- Rich would like to know if panel members can participate in the TAC meetings. Greg was unsure.
- Dave asked about the make-up of the panel. Greg said the only change is to allow current or former board members to participate. If they go to a 5-member panel, where the two other people come from is unclear.
- Rich said the panel should include an epidemiologist and meteorologist.
- Greg suggested the board send a letter to Council. The advisory panel was not discussed until the last meeting and there was little interest in changing the format.
- Tom Moore asked if the County does any spraying. Greg said if the City decides to spray, the County will do some spraying as well, but their investment in management has been minimal compared to Fort Collins.
- Greg said 10 years of data has been collected, but not summarized. Council agreed that needs to happen, but cannot do so without dedicated staff or a consultant.
- Jim asked if it is clear that spraying saves lives. Greg said risk analysis in this case will be difficult to do. Spraying kills adult mosquitos. Then you must consider the likelihood that will kill infected mosquitos. Fewer infected the mosquitos should mean fewer cases of human infection. Jim said if the uncertainty in each factor is too large, you may not want to spend money on the study.
- Brian Woodruff added that it's appropriate to evaluate risks in a relative way. Greg added that personal responsibility is a large factor in prevention of West Nile.

- Rich said that you cannot prevent all cases, so what is allowable? Greg said the policy says “emergency situation” but that is not defined.
- Jim added that if the County spent X amount, what decrease in risk would be achieved? The tarsalis migrate from the County. Last year the spraying happened right before the first frost, so there was no benefit. Will the revisions prevent that from happening? They need earlier indicators so they either spray earlier or not at all. Greg it is difficult to project what will happen in the season.
- Rich said that Chet Moore’s metrics should be used as an indicator for when to do spraying.
- Dave mentioned that there is a BFO offer for an integrated pest management specialist position. He suggested recommending the TAC be reinstated until the work is done.
- Scott asked what we get for our 25% increase in the budget for West Nile. Greg said the hope is to knock down more larvae and to increase education.
- Jim asked if the number of mosquitos and infected ones are counted after spraying. Greg said yes; however, the mosquitos have their own seasonal cycles and people may make different choices in protecting themselves after spraying occurs, so it is difficult to determine what the outcome of spraying actually is.
- Scott, Dave and Tom Moore agreed this process is too convoluted to make a recommendation to Council. Rich suggested pointing out in the memo to Council that the process has not been done well.
- Tom Griggs said the composition of TAC and risk analysis, and this board being consulted earlier could be commented on in the memo.
- Scott would like to see the results of not spraying in Weld County to see if the City needs to do more, or if this is spending money unnecessarily.
- Tom Moore began a draft of the memo. He agreed to email it to the board for a vote.

AGENDA ITEM 2: Fugitive Dust Control Initiatives

Brian Woodruff, Environmental Planner, gave a brief update on the City’s efforts to address fugitive dust issues and control measures. This item is scheduled for the July 22 Council work session.

Brian provided a handout. Solutions to dust control should adhere to the principles suggested in the handout. The principles include prevention, education, advance planning, transparency (all inspectors should have access to the dust-control plan), and enforcement through the air pollution nuisance code. The remainder of the handout covers regulations that apply to the issue. Development agreements and construction permits ensure that development adheres to code. He discussed the excavation and stockpile permits, the erosion control plan, grading permits, purchasing standards for City projects, and contractor licensing. If dust control is added to the code, knowledge of it will be required to pass the contractor licensing exam. There are many places in the processes where education and plans could be applied. With all of the different parts it is a challenge to achieve the pre-planning concept using the existing processes. Every person in the chain of a development needs to take responsibility. Another major issue is coordinating field enforcement. The current inspectors have other competing priorities. Lastly, staff needs to nail down the legal basis for requiring these plans.

Comments/Q & A

- Rich asked what is behind the nuisance code. Brian said there is hesitancy to use that tool because you have to make the case in court and it is a criminal prosecution. Melissa added that it is an

effective tool to address a variety of complaints, but how far can we push the envelope with a developer who will not do the necessary work for dust control? Will we need an additional code for enforcement?

- Dave said somewhere the City has to say the contractor must submit a dust control plan that includes specific items. Melissa said the City does not currently have this. We are trying to determine how, within the existing structure, we can require developers to submit the State plan to the City.
- Brian said if we need to develop a specific plan we will, but we are at the exploratory stage. We are trying to determine how to apply these principles in the existing structure.
- Tom Moore said there are a lot of City processes in which this could be done, but they are all strategic. It is a presumption that developers will comply. CDPHE and Larimer County are not really participating. They have ordinances, but are not enforcing. Perhaps we need to create our own plan. In the structure of this, we need to have everyone who owns commercial interest in these activities remain accountable. A checklist that is agreed upon in the planning process, with a tracking requirement, might help enforcement.
- Melissa added that there is pushback about developing another plan when there are two other agencies that are requiring plans, but not working on enforcement.
- Scott said it is important to get this under way before the stadium construction begins.

AGENDA ITEM 3: Budgeting For Outcomes (BFO)

Ana Arias presented information on the 2015-2016 BFO process and discussed key dates and methods for boards and citizens to provide input.

Ana explained the Budgeting for Outcomes enhancement offers are department requests for funding. The City has determined seven strategic outcome areas under which all City programs fall. Ana showed the boards that are taken to outreach events in the community, which are used to garner input from citizens on enhancement offers. Citizens can also give input at fcgov.com/budget. There are 230 enhancement offers for the 2015/16 budget cycle. There will be a presentation for boards and commissions to give input on the enhancement offers May 28, 7:30–9:00 a.m. in the Community Room. The BFO teams (staff members) will incorporate citizen and board input into recommendations to the City Manager’s team. Feedback is being solicited through the end of July. Melissa provided the environmental and air quality related BFO enhancement offer summaries to the board. Ana said the City is incorporating more citizen input than ever in this process this year by visiting venues that serve a broad scope of demographics. She showed the online tool for providing input as well.

Comments/Q & A

- Melissa said that John Shenot has agreed to attend the Boards and Commissions meeting on May 28.
- Dave said it is important for the City to enhance its solar rebate program to year-round. Melissa said there are two BFO offers related to solar.
- Rich asked about the snow removal offer. He is curious if that is in addition to current removal operations, or for minor streets. Melissa explained that ongoing offers are for the same amount spent the previous year; this enhancement is for fuel, truck repairs, etc. Ana added that there was citizen feedback about insufficient snow removal in low-income neighborhoods.

- Tom Moore said there are more enhancement offers in the areas of High Performing Government and Transportation. Ana said the citizen survey about what areas people felt the City was falling short on is represented here. Melissa added that the outcome areas are not specifically aligned with departments. For example, one of the air quality enhancement offers is under Transportation. A great deal of what local government does is infrastructure related, thereby showing up as more offers in Transportation.
- Tom Moore asked what the continuity is between budget cycles. How do these become part of the core program when modifying City programming over time? Melissa said Green Building was an enhancement in the last budget cycle, but it was determined that it needed to be ongoing, so the department was allowed to ask for part of the funds in the Core offer. Climate Action Planning is another example.
- Tom Moore said at the June meeting the board will be within the window of time to give input. Should it be included in the June agenda? Melissa said in the past the board has always written a letter of recommendation on the BFOs, but usually later in the process in order to inform Council.
- Dave asked if the citizen input is used to reduce the number of offers. Melissa said the BFO Teams are not tasked with reducing the number of offers, but there will be cutting before the offers reach the City Manager's office to reach a manageable dollar amount. Brian Woodruff added that the process includes prioritizing. Once the dollars are used up, the lower priority items do not get funded; however, sometimes those offers get reprioritized through citizen input and Council.
- The board agreed to review the air quality related offers independently and rank them at the June meeting.
- Dave added that there is a Green Streets proposal as well. Melissa said she did not include the Green Building offers. Dave suggested that board members look through all offers and bring suggestions for other offers the board should weigh in on.
- Previous Air Quality Advisory Board budget recommendations are available on the website.
- Brian Woodruff added that the Transportation department is trying to get involved in transportation demand management. The board may want to look at this proposal.
- Brian Woodruff said the input in this round goes to staff teams who prioritize among outcome areas.
- Tom Moore agreed that he, Melissa and Brian Woodruff will pull the related offers and email them to the board.

AGENDA ITEM 4: Climate Action Plan update and selection of representative to the Citizens Advisory Committee

AQAB staff liaison led a discussion on progress to date on climate action planning and board members selected a representative and an alternate to the Citizens Advisory Committee in response to the letter from the City Manager dated May 9, 2014.

Melissa provided a flowchart for the Climate Action Plan. Brendle Group and RMI are consultants on this program. Utilities and Environmental Services are working on the planning. Council has requested a revised Climate Action Plan and a citizen advisory committee. There will also be a technical advisory process and staff helping with technical advice. The five boards that were represented on the 5-board committee are also requested to form a committee. There will be modelling, input from other studies, and board input. Staff will also be seeking input on strategy analysis. The schedule she provided shows general dates for the process.

The schedule may shift; however, as Platte River Power Authority is working on their integrated resource plan and staff would like to use Platte River's modelling to inform the Climate Action Plan. The Air Quality Advisory Board is requested to appoint a representative to an advisory committee.

Comments/Q & A

- Scott volunteered for the advisory committee.
 - Melissa clarified that the Plan is to include specific strategies and costs.
 - Dave volunteered as the alternative representative.
 - Tom Moore will cover for Scott and Dave if they are both unavailable for a meeting.
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AGENDA ITEM 5: Martin Marietta Materials Air Permit Discussion

Board members discussed the status of the draft air permit, the outcomes from the first subcommittee meeting and tour of the plant, and the Public Listening Session.

Tom Moore said the subcommittee consists of Rich, Scott, Dave and Tom Moore, who met with a Martin Marietta's environmental consultant and representative and Melissa Hovey. The subcommittee gave recommendations to Martin Marietta and agreed to meet again when the draft permit is available. Scott and Melissa took a tour of the asphalt plant. Melissa said Martin Marietta has installed condensers on top of tanks that should help with odors. They observed blue smoke and odors at truck loading. The day they were visiting the plant Larimer County received five citizen complaints. Melissa added she attended the Citizen Listening Session. Citizens recognize the air permit will be issued, and may give input to influence modifications. The next issue the citizen group will take up is the land use permit issued by the County.

Comments/Q & A

- Scott added that the vast majority of CAT members are not residents of Fort Collins and he believes Dr. Kevin Pass did not do due diligence when purchasing his property.
 - Dave said his understanding was that CAT members were from Solar Ridge. Melissa said the founders live in Solar Ridge, and it is hard to tell where the City limit line is in that area.
 - Scott said he was at the site four times and had hydrocarbon hits one time when taking air quality samples. It is percentage parts per million. Melissa added that the school issue that was raised is that the two schools that may be impacted are Fort Collins' lowest income schools. CDPHE will engage their Environmental Justice Team, which may result in a delay in issuing the permit.
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AGENDA ITEM 6: Air Forum Follow-Up

Board members discussed the outcomes and lessons learned from the public Air Forum held on April 30.

- Jim asked about procedure for continuing a meeting beyond its scheduled time.
- Rich suggested tabling the air quality forum update and the ozone discussion/rail transport. Tom Moore said two recommendations will need to be drafted for the second item, which will require the board becoming more informed.

- Melissa said she received 17 citizen surveys. Of the 17, no one thought the City was effective in air quality programs and citizens who participated were uninformed regarding ozone. Melissa will compile the information and send to the board.

AGENDA ITEM 7: Discussion of Ozone Actions and Rail Transport through Downtown

- Rich raised concerns about the potential of a railway accident happening in town. He would like to continue this discussion at a later meeting.

AGENDA ITEM 8: Other Business

Review City Council 6 Month Agenda Planning Calendar

- May 27: PRPA will come to Council to discuss their Strategic Plan
- May 27: Transit Oriented Development Study
- July 1: Smoking Ordinance Expansion
- July 22 Work Session: Fugitive Dust
- August 12 Work Session: Climate Action Plan

Announcements and Future Agenda Items

- Not discussed.

Adjournment

Meeting adjourned at 8:19pm.

Approved by the Board on July 21, 2014

Signed



Dianne Tjalkens, Administrative Clerk II

7/23/2014

Date