

**MINUTES
CITY OF FORT COLLINS
AIR QUALITY ADVISORY BOARD**

Date: Monday, November 16, 2015
Location: Community Room, 215 N. Mason Street
Time: 5:30–8:00pm

For Reference

John Shenot, Chair
Ross Cunniff, Council Liaison 970-420-7398
Lucinda Smith, Interim Staff Liaison 970-224-6085

Board Members Present

John Shenot, Chair
Robert Kirkpatrick (arrived 5:45)
Jim Dennison
Vara Vissa
Gregory Miller
Tom Griggs
Mark Houdashelt

Board Members Absent

Rich Fisher

Staff Present

Lucinda Smith, Environmental Services Director
Dianne Tjalkens, Admin/Board Support

Staff Absent

Councilmembers Present

Guests

Chris Wood, citizen
Paula Cohan, citizen

Call to order: 5:32pm

Public Comments: None

Staff Updates: None

Review and Approval of Minutes:

<p>Greg moved and Tom seconded a motion to approve the October 2015 AQAB minutes as presented. Motion passed, 5-0-0. Vara and Rob arrived after vote.</p>

AGENDA ITEM 1: Dust Control Project

Lucinda Smith, Environmental Services Director, presented on the dust control ordinance that has been rescheduled for City Council consideration on January 5, 2016.

Lindsay Ex is out of town, and staff is still working on details of manual and process. Council's first reading will be January 5. Working group met last week and discussed cost. Working out how to communicate costs, due to dependence on scope, size, etc. Presentation goes over covered loads, mechanical blowers, enforcement, and next steps.

Lucinda gave the presentation that she has been using to explain the project to other groups. Proposed solutions include changes to municipal and land use codes, a guidance manual, and training and outreach. Fugitive dust is solid particles suspended in the air by wind or human activity and can include a number of hazardous particulate matter (PM). PM can cause respiratory impacts, reduce visibility, have ecosystem impacts and be a nuisance. One quarter of Fort Collins households have a member with respiratory ailments. Dust can be controlled, so value in addressing health related consequences. Dust generating activities can increase dust levels well over an order of magnitude. 4300 tons of particulate matter generated annually in Larimer County, with 60% from construction and unpaved roads. The City gets up to 50-100 complaints per year. Have not had a clear way to address the problem. State rules apply to sources greater than 25 acres, the County rules apply to development over 5 acres, but the City has no method for enforcement. Another issue is that there are no clear/upfront guidelines for control. Would add a chapter to municipal code about dust generating activities, which refers to the dust control manual. Some minor changes to land use codes. The manual addresses 12 dust generating activities and offers 33 options to address them. Each activity includes a definition, required measurements, and engineering controls to prevent off-property transport. One area of interest is how to address bulk material transport. This chapter prohibits any dust leaving a vehicle. Considered requiring a dust control measure that would require covered loads, but challenge to enforce (Citation to driver would require a traffic stop). This measure gives the citation to the site of origination. Some measures will have no added costs, some will have shared costs and benefits, such as restricted access and removing deposition. Low cost solutions include wet suppression on saw-cutting or minimizing drop heights. Strategies that have higher cost implications include high wind restrictions, labor and equipment for street sweeping, reducing vehicle speeds. Collected field data on 30 sites: 23 used some level of dust mitigation, 7 had no mitigation, and only 4 of the 30 would have been in full compliance with the manual. Staff performed controlled measurements at 9 sites. Found that mitigation strategies can reduce dust generation by up to 95%. City code applies to everyone, including homeowners, but majority of dust generating activities that cause nuisance are commercial. Goal is not to eliminate dust, but to reduce off property transport. Before going to Council staff will create executive summary for the manual, add some definitions, change formatting for clarity, remove enforcement details, and identify a limited number of required actions. Will not apply to state or federal land, schools, or emergency events. Staff will work with dust generators before ordinance goes into effect and will do public education. Will be enforced by variety of code enforcement staff. Next steps include visiting NRAB, working group meeting, P&Z, and City Council January 5 for first reading.

John added that AQAB will receive an update on changes and write a recommendation at next month's meeting.

Comments/Q&A

- High wind restrictions about stopping activities during high wind?
 - Yes. Temporarily halt during high winds.
 - Is the 1-6% of time with high winds during business hours or at night?
 - May be over a 24 hour period. Could get some clarity about this.
- Drop height has no cost impact? So, why is this something new? Why not normally implemented?
 - One of the control measures that is frequently implemented. Commonly used measure. Still listing because readily available and low cost. Field measurements show that many companies follow the mitigation strategies. Raising awareness of best management practices. Many have this covered and it is already standard.
- Would there be discretion in enforcement?
 - Yes. Determining if site has implemented measures. First site visit is to do education and facilitate compliance. 30 MPH wind speed would be monitored on site with hand held device, so may not align with time of complaint.
- In explanation of why doing this, recommend having more photos or telling stories of actual events that make this seem like a real problem, not hypothetical. When talk about concentrations, put numbers in context of health standards. First public meeting, people didn't feel the number of complaints justifies this effort. Tell how much staff time is used for each complaint to show scale.
- Possible to get knowledge of number of people who had to visit emergency room because of this?
 - No. But will look through SARs to get better idea of complaints.

- Correlation between asthma attacks, strokes, etc., as PM level rises. Might want to pull out one of those studies. Human health is issue, not staff time and dust on car.
- Be specific in presentation about complaints being about dust.
- Impression is that most of high cost items are in engineering controls, not required items.
 - Some high cost items in required items. If there was a low cost approach, it would be there. Ex: street sweeping requiring engineering fix.
 - Wind barrier seems expensive. Is there always another choice?
 - Mandatory for parking lots and open areas where dust is transported off site.
- Very subjective. Is there some definition of reduce, eliminate, etc.? Ex: street sweeping. Is that always a dust generating activity? Horse corrals, etc. Does anyone who has a corral come under dust generating venues? What is baseline, and what is goal for reduction? What is it judged against? Who decides? A little vague.
 - Enforcement inspectors will have some discretion. Providing as much clarity as possible. Open area is defined as 70% or more unvegetated. For horse arenas, that may be agricultural and therefore exempt. Can get more clarity, but will have to work with each site, understand their issues, and promote best management practices.
 - Not a “gotcha.”
 - If repeated offenses, then can issue a citation. The stormwater enforcement person has never had to issue a citation. He helps them to be in compliance. Zero enforcement is not a goal either. Want to have teeth to be able to take action.
- Agree that photos would be helpful. More information and data on 30 sites from the pilot. Pre-emption issues—has that been fully analyzed by City Attorney’s Office?
 - Yes. They are supporting this approach.
- Important to emphasize that what is missing is what is being addressed. An enhancement aligned with spirit of original ordinance. Not radical, boldly new, or controversial.
 - This is completely new. What had before was nuisance ordinance, but with no way to measure it. Would have to be very bad to get a citation.
 - Was never enforced.
 - There are other communities in Colorado that have dust ordinances, but few go this far. Fairly progressive. Many will follow in our steps. Dust Working Group had to consider whether it was going too far. The Working Group was unbalanced, but there were representatives from the City, who will have to comply. Also had landscapers, developers, builders, etc. Some would make comment about regulations, but there were few complaints about the provisions, and generally found them appropriate. City staff was asked to find out how effective these measures are and how much they cost. The pilot project results support need for the manual. Working Group won’t vote. Community is behind this.
 - One concern about mechanical blowing.
 - In order to close a loophole.
- Based on working group, and meetings with Chamber and Home Builders of Northern Colorado, any indications any organization will try to block this?
 - Chamber was not happy. Home Builders was concerned with passing on costs to homebuyers. Chamber’s legislative affairs committee did not feel solution matches problem; however, citizen survey showed support.
- Sounds like existing ordinance is not very enforceable and key purpose is to come up with criteria that is enforceable.
 - The only ordinance that exists is the nuisance ordinance.
- Went to open house and there was feedback about use of water for dust suppression as opposed to water conservation.
 - Water has come up again and have discussed that Council can override the ordinance, or water use elements, if we are in a drought. Water use relative to community use is small, but realize it does not support water conservation. However, does support air quality and environmental goals.
 - Mitigation versus construction costs.
 - What constitutes compliance efforts to reduce dust?

- If in drought conditions, dust could be a bigger issue. Would have other options though?
 - Would not recommend suspending the full ordinance, but only the requirements for wet suppression.
- Don't consider this a slam dunk that Council will adopt this ordinance. Good neighbor aspect to this issue that goes beyond the public health side, and that is important part of the message. Would not back down from that. Don't know anyone who likes breathing in dust, and neighbors should be able to expect to not have dust blown in their faces. Reasonable to expect minimizing dust moving from property to property.
- Did presentation talk about partnership with industry (working group)?
 - Did not summarize engagement. Will do that for presentation to Council.
- Greg would like to assign a proxy to vote affirmatively on recommending this to Council, as he will be absent from December meeting.
 - Draft resolution will be circulated via email.

ACTION ITEMS: Lucinda and John will research rules for proxy voting.

Members can email comments on the content of the manual to Lucinda.

Draft resolution will be circulated via email between meetings.

AGENDA ITEM 2: 2016 Work Plan Draft

AQAB members finalized their 2016 work plan, to be submitted by November 30, 2015.

John drafted Work Plan based on last month's discussion and conversation with Ross Cunniff, Council liaison to AQAB. Added reference to the bylaws in the Purpose statement. Topics of Greatest Interest have been put in alphabetical order and moved to after the Purpose. Major Focus Areas for 2016 Work are what the board will work on; information before that is for context. Work Plan also includes objectives of the City Strategic Plan that the board supports. Board reviewed Major Focus Area for 2016 Work topics.

Comments/Q&A

- Not sure if list of topics of greatest interest limits what can be discussed. Is there a list of other interests?
 - No other list.
 - If take on train derailment, should that be in this list?
 - Have item that would allow the board to work on that issue in the list of focus areas. Focus areas are things we will do.
 - #6 is broad enough to address train derailment. Transportation Emissions as a Topic of Greatest Interest could also cover that area; can cover day-to-day issues and emergencies.
- Are Major Focus Areas separated in any way?
 - Priority and/or already agreed upon items are listed first.
 - Issue of wood smoke/wood burning stoves is emerging trend.
 - Gerry Horak does not think we should allow people to have backyard fire pits while simultaneously forwarding the Climate Action Plan.
 - Two councilmembers who have an interest in this topic and may ask the board to take action. Will move item to later in list.
- Potential topic of sustaining, improving, or expanding Healthy Homes Program. Keep it?
 - Haven't spent a lot of time on indoor air quality. Would like to focus on this more in the coming year.
 - Ross Cunniff would like to see this on the work plan.
 - Recent study showed indoor air quality significantly impacts cognition and productivity in an office setting. Businesses may be more receptive to voluntary indoor air quality programs with this data.
 - By specifically mentioning the Healthy Homes Program, are we limiting ourselves? Currently the program is only for residential.

- What about smoking issues in Fort Collins? Also has health impacts. Other cities are restricting smoking in public housing. Should we have a work item related to the smoking bans?
 - City does not own any public housing.
 - Would like to see something in regard to smoking in the work plan.
 - Could make funding for public housing agencies contingent on smoking restrictions.
- Would like presentation to AQAB on Healthy Homes Program.
 - Healthy Homes volunteers reach out to community members to discuss low-and no-cost ways to improve indoor air quality. Potential to get involved with small businesses and commercial. Have room-by-room assessment. Could be translated to commercial application: look at cleaning supplies, HVAC system, etc., and recommend agencies that could do energy audits.
 - Is expansion of program feasible?
 - Not without more resources.
 - Feasible for the AQAB to look at this in 2016?
 - Board can take upon itself to make a recommendation to Council that it support indoor air quality efforts. Could write a memo to Council and/or make recommendation on BFO offer. Not equipped to work on that as staff right now, as it is not in staff work plan.
 - Hear what program is about and develop a recommendation on sustaining and/or improving, not necessarily expanding. Want to make sure we can do everything we are saying we can do.
 - Can definitely hear a presentation and make a recommendation. Fairly significant item for ESD, so board should be involved.
 - Real public health and economic case to be made for it. And, the City can really make a difference.
- For #5, ozone is most vexing air quality issue for this area. Needs to be in work plan. Regional haze is also issue, and caused by same pollutants.
 - Have plans to get involved, but probably cannot review all planning, development and policy decisions that could impact haze and ozone.
 - Does fugitive dust have a role in regional haze?
 - Regional haze is large scale and fugitive dust is local.
 - Dust is contributor to haze. Brown cloud.
 - Haze is mostly sulphur dioxide and nitrogen oxides.
- If something is on work plan, and doesn't get addressed in the next year, what happens?
 - Cunniff said we should not work on items not in the work plan, but don't have to cover all topics in the work plan.
 - Wise to have a catch-all statement to give the purview to take up an issue that arises during the year.
 - If we don't touch on a work plan item, not going to get fined.
 - Will address that issue in the annual report. There are not repercussions, but should not work on items not in the work plan.
 - Agree that need to stick to work plan, so not a free for all. However, if have a lot of items we say we will do, and don't get most of it done, there could be a time when the discussion of eliminating boards returns. Do not want to be the board that does the least of what is on the plan. Don't want unattainable items on the mandatory list.
- Need to make sure that Focus Areas address all Topics of Greatest Interest. Could reference the list of six Interest areas to ensure covering them all.
 - Impression that the Interest list was not meant to be exhaustive.
 - Each focus area addresses an Area of Interest.
- #6 can address asbestos and train derailment.
 - Ross commented on train derailment, and suggested it was worth considering.

- Is there an assumption this needs a look from a board? Are there gaps? Is this a way to keep abreast of new development, or is there is an assumption that there is not a plan, or that it is not working?
 - Being flexible so that can work on items that arise, and can be proactive if feel it becomes important.
- Is there always a citizen survey involved in updating the Fort Collins Air Quality Plan?
 - The last two have had surveys. It would be a collaborative effort with staff.
 - Won't there be synchronization of other City plans?
 - Hoping City Plan will be budgeted for 2017. Air Quality Plan could happen independently, but would recommend updating the plan in 2017, with surveys happening in 2016. City Plan update is at least 12 month process.
 - Would there be benefit to starting now?
 - Informs budget offers, which will be developed in April of next year. Makes most sense to do survey next year and update plan in 2017.
 - Synchronicity with CIP?
 - Strategic plan will feed into budget process. Board input on that plan, budgeting, etc., can inform the Air Quality Plan.
- #10, collaboration with other boards. No other boards have come to the AQAB.
 - Need to set up lines of communication. Have not followed through with this in the past.
 - Hard to have meaningful collaboration with other boards. Worth the effort, but difficult.
 - Had some collaboration with the Energy Board and commented on Energy Policy.
- #11 was discussed with Councilmember Cunniff. This board can recommend to Council what to say in response to items such as the CPP.
 - AQAB did this regarding carbon monoxide nonattainment status. Similar to Martin Marietta permitting. Had to make comment, and the board gave input.
 - In bylaws that can comment directly to CIP.
- Could categorize Focus Areas into Topics of Greatest Interest.
 - Audience is website, Council, and this board.

Jim moved and Rob seconded a motion to adopt the work plan as amended.
Motion passed unanimously, 7-0-0.

ACTION ITEM: Lucinda will submit to the Clerk's Office and copy John Shenot.

AGENDA ITEM 3: Updates and Announcements

CAP

- Public event Monday, December 14. Two kickoff speakers including Brian Dunbar and Dianna Wall, followed by open house on 2020 Strategic Plan. Lucinda will send details when finalized.
- Application period for committee. Not finalized. 12 seats: Environmental, economic, and social.
 - Platte River has stepped back from CAP framework and what committing to. Heard that was what moved back approval of the Energy Policy. Is that affecting CAP and are there significant changes to the Energy Policy?
 - Platte River never committed to what modelled for CAP. They are seriously discussing moving away from one or two of the units at Craig. Request to change Energy Policy goes to fact that Platte River 2015 strategic plan does not have the same guidelines as the prior plan. Will send the updated Energy Policy to the AQAB. Slightly different wording.

Recycling Ordinance

- Recycling Ordinance, first or second reading?
 - First reading. Work session on October 13 Council requested staff meet with haulers regarding single family residential rate.

- Biodigester in Kersey built to offset emissions from California. If Fort Collins sends waste there, may be considered double counting.
- August, September and October there was terrible rotten egg smell north of the land fill. Has lessened. Sent question to someone, but did not get a response.
 - Could have been the wetlands. Some have had smells that caused concerns. If it changed with weather, that could have been the source.
 - If log questions with Access, on the website, staff are obligated to answer within 10 days.

Transportation and Air Quality Impacts Guidance Manual

- Moving forward. Plan to finalize contract by end of year.

AQAB 2015 Annual Report

- Report on activities of the year. Will be on December agenda. Connects to 2015 Work Plan.
- Due end of January.

City's Strategic Plan

- Meeting tonight same time as AQAB. Online survey on City website. Encourage members to take survey. Plan feeds into budgeting process that will happen next year. 2017 AQAB Work Plan will have new strategic objectives to reference.
- Only takes a few minutes to give input on priorities.

Diesel Spill on October 13

- If have questions or concerns contact Matt Zoccali, or send questions through Lucinda.

Ozone Standards

- Article in Coloradoan on state implementation plan for new EPA ozone standards. Very well done. Suggest members read it.
- Lucinda will find copy of article and email to board.

Larimer County Transportation Master Plan

- Deadline to give input by Friday as individual. Affects air quality in Fort Collins.

AGENDA ITEM 4: 2016 Meeting Dates

AQAB members discussed their 2016 meeting calendar, considering that the January and February meetings currently fall on holidays.

Board agreed to meet January 25 and February 22 in Conference Room 1A.

AGENDA ITEM 5: Futures Actions and Agenda Items

Review of City Council 6 Month Agenda Planning Calendar

- Dec: Energy Policy and Recycling Ordinance
- Jan: Fugitive Dust

Agenda Planning—December

- Fugitive Dust (include summary of pilot results)
- Annual Report
- West Elizabeth Enhanced Travel Corridor
- Updates on CAP and Transportation Manual
- Emergency Response Procedures (tentative)
 - Request a summary of the plan in place

Meeting Adjourned: 8:17pm

Next Meeting: December 21