

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

Date: Monday, December 19, 2016
Location: Colorado River Room, 222 Laporte Ave.
Time: 5:30–8:00pm

For Reference

Mark Houdashelt, Chair
Ross Cunniff, Council Liaison 970-420-7398
Cassie Archuleta, Staff Liaison 970-416-2648

Board Members Present

Mark Houdashelt, Chair
Gregory Miller
Jim Dennison
Tom Griggs
John Shenot
Vara Vissa
Chris Wood

Board Members Absent

Robert Kirkpatrick
Rich Fisher

Staff Present

Cassie Archuleta, Environmental Planner/Staff Liaison
Mike Gebo, Chief Building Official
Lucinda Smith, Environmental Services Director

Guests

None

Call to order: 5:37 pm

Public Comments: None

Agenda Review: No changes.

Review and Approval of Minutes:

John moved and Mark seconded a motion to approve the November 2016 AQAB minutes as amended/presented.

Motion passed unanimously, 6-0-0.

AGENDA ITEM 1: Asbestos Discussion

The Board continued a discussion regarding promoting asbestos testing awareness for residential remodels. Mike Gebo, Chief Building Official, was available to support the discussion.

Mike said that the discussion regarding Senate Bill 13-152 (Bill) generated three (3) questions to put on a form reflecting State language that a property owner considering a remodel would have to complete prior to being issued a remodel permit. That form is titled “Asbestos Statement Disclosure Remodel” and may be signed by the general contractor representing the property owner or the property owner.

In accordance with the State of Colorado Senate Bill 13-152, property owners, applying for a remodel permit, shall indicate their awareness about their property having been inspected for Asbestos Containing Materials (ACMs).

The 3 questions that were generated are as follows (in response to “check the appropriate box”):

1. I do not know if an asbestos inspection has been conducted on this property.
2. An asbestos inspection has been conducted on this property on or about _____.
3. An asbestos inspection has not been conducted on this property.

Mike reminded the Board that this is not a City law; it is a State law and property owners are being directed to the State for all questions and answers about the law.

Comments/Q&A

- Jim asked if the Bill was directed only at residential property owners.
 - Mike said, it is not directed only at residential property owners, but he doesn't think commercial remodels are a problem.
- Mike said that the City doesn't have the responsibility of enforcing this Bill. He added that when demolition is involved, the City does require knowledge of asbestos.
- Vara asked if a property owner knows about asbestos if a contractor doesn't tell the homeowner about it.
 - Mike said the City does not have the responsibility of enforcement or keeping track of if homeowners that are represented by general contractors are informed.
- John asked if contractor can sign permit.
 - Mike said the City does not require the homeowner sign remodel permit request.
- Vara said the language in the Bill states “Does the property owner know if property has been inspected for asbestos.”
 - Mike said that the contractor is also liable if asbestos is not disclosed even if the homeowner doesn't know if an inspection has been done.
- Jim commented that he didn't even know about Bill until the last meeting in November when Mike made his presentation despite that it has been around for 3 years.
- Jim said that contractor has to provide a State Demo Permit. All asbestos that needs to be removed has been removed.
- Mark asked if property owners will have an option to “not sign” or refuse to sign the Asbestos Statement Disclosure – Remodel form.
 - Mike said that a remodel permit will not be issued without a signed form. Property owner should pick box #3 and sign the form.

Staff follow-up: Mike will remove the word “Residential” from the title of the form he presented to the Board and will provide Cassie a final document to distribute to the Board.

AGENDA ITEM 2: Radon Discussion

The Board discussed possible next steps regarding recommendations for additional City policies and programs related to radon testing and mitigation. Mike Gebo, Chief Building Official, and Lucinda Smith, Environmental Services Director, will be available to support the discussion.

Mark said that he and Jim have had some in-depth discussion on the radon issue and he doesn't believe he has enough information to move forward and make any recommendations to Council. The only recommendation he would feel comfortable with at this time would be to advise Council that more studies need to be done. With Jim leaving the Board, he stated that he thought some kind of decision needed to be made tonight (Dec. 19).

Lucinda asked Cassie to share with the Board what is currently being done.

Cassie said there are three main areas her department is focusing on. They are:

1. Outreach
 - a. Newspaper/ Radio Ads
2. Policies
 - a. Realtors required to provide information which is published by the City in the form of a brochure
 - b. Homes built since 2005 are required to use radon-resistant construction methods, which means that building materials resist radon entry, and homes are equipped with a passive ventilation system.
3. Assessments
 - a. Healthy Homes Program – includes follow-up to see if mitigation has been done

Test results indicate 65% of the homes in Fort Collins tested higher than 4 pCi/L (the EPA’s “action” limit).

How to get people to mitigate:

- Homeowners can buy Radon Test Kit from the city at a very low cost. Those test kits can be tracked.
- City offers no-fee, interest-free loan for up to \$3000 for mitigation.

Most of what is currently being done is on a voluntary basis.

Mike said that the current City Ordinance requires that all new homes have a passive system installed.

Mike said that the City hosted a group of professionals and experts (CSU professors, engineers, etc.) to talk about radon to comply with EPA standard for new construction.

The City requires all new dwellings and multi-family buildings to be provided with a passive system. Part of that system is to seal all concrete joints. If an inspection finds that the slab is not sealed, say a partial basement finish with no means to seal the joints, the inspector will require that the system be activated before final approval is given and CO issued.

Comments/Q&A

- Jim asked if he read that only 50% of homes found with radon mitigate.
 - Cassie said yes.
- Jim feels like City is doing a lot for education and outreach, but suspects some people don’t read the stuff that comes in the Utility bill.
- Cassie shared what is tracked when a test kit is purchased through the City:
 - Test kit number
 - Zip code
 - Test result
- Cassie said test can be done “before” or “after” mitigation. She said that Mary Pat had sent out some information about the testing. And she added that most of the tests are done pre-mitigation.
- John said he had read the consultants’ study (Residential and Radon Mitigation Study, 2015) and inquired if all of the recommendations have been implemented.
 - Cassie said some were not implemented as written.
 - Lucinda quoted from page 25 of study to share what the City has implemented; ***Only #5 has not been implemented**
 1. Continue to include new instructions with radon kits
 2. Begin including new health information with radon kits and on City website
 3. Deliver contractor information with or shortly after results
 4. Provide loan info with or shortly after results
 5. **Develop a method to provide personalized health information with results***
 6. Continue to evaluate radon information and outreach to see if policies are effective
- Jim inquired about the average number of home sales in Fort Collins. He said City should think about “requiring” testing. He said he looked up radon risk for health in Fort Collins and found that Fort Collins is one of the highest areas for radon. Confirmed by the test kit results that said 65% of homes tested were above 4 pCi/L. If there are 66,000 homes, that would result in 30 case of lung cancer (which has a 5 year mortality rate) per year.

- Vara asked if radon test is required in a home inspection in a home that is for sale.
 - Multiple Board members said it is not required.
 - Jim said a home inspector charges an average of \$300 to the seller; they charge an extra \$100 to do radon test
 - Mark said a seller shouldn't perform the radon test because they have an incentive to show a low radon level – the test should instead be performed by an independent entity.. His preference would be to have a radon test required upon sale, potentially followed by mitigation.
- John said he feels what the City is already doing is enough at this time. He likes the idea of a study committee or working group moving forward – “checking in after 20 years” (the time since program began) to see if the City is doing enough or should do more.
- Lucinda said every Real Estate Agent is required to provide the buyer with the City Guide which outlines the low interest loans.
- Lucinda said Board always has the option to add ad-hoc subcommittee to study specific issues. She said they would have more information once the results of a survey that the City recently sent out are returned. She also asked the Board to consider how the issue of radon stacks up against other priorities AQAB wants Staff to work on.
- Jim asked if it made sense to have Staff and stakeholders on subcommittee or working group.
 - For staff time, Lucinda said it needs to be in the Environmental Services staff Work Plan and currently it is not currently in the Plan. A change in the Work Plan would come from Council. Lucinda said AQAB could recommend changes at mid-term BFO offers which are reviewed in July.
 - Jim urged AQAB to continue to focus on this issue and ask the City to bring in experts to educate the Board. He doesn't think there should be a separate subcommittee to study this topic.
 - Lucinda said supporting a working group is not in current offer to Council and there is nothing specific to radon.
 - Cassie said radon is a priority, however getting work group formed would require specific information from the board including what policies subcommittee would address.
- Vara asked what other municipalities are doing.
 - Lucinda said the whole State is a Zone 1 for Radon. Fort Collins is doing more than neighboring municipalities in the State and definitely more than the smaller communities.
 - Cassie said a State Representative (CDPHE) could be invited to AQAB to share what other municipalities are doing.
- Mark recommended not sending any specific recommendation to Council. Gather more information from Staff with the idea of making mid-term budget offer recommendations.
- Vara asked what Staff is doing on radon if AQAB doesn't address radon.
 - Cassie said Staff will continue with existing programs. They will be sending at least one staff member to a Radon conference in 2017. And they are always looking for ways to improve current programs.

Staff follow-up: Cassie will give Board overview of Core Projects in January and give AQAB options for a deeper plan.

AGENDA ITEM 3: Downtown Plan Recommendation

The Board considered submitting a recommendation for the Downtown Plan.

Mark drafted some suggested recommendations for the Downtown Plan. AQAB discussed and revised draft and final document.

<p>Jim moved and John seconded a motion to submit the amended recommendations drafted by Mark to Council.</p>

<p>Motion passed unanimously, 6-0-0.</p>
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AGENDA ITEM 4: 2016 Annual Report Draft

The Board reviewed a draft annual report. Final reports are due by January 31, 2017.

Mark suggested that changes, comments, or additions be submitted to him via email for discussion and approval at the next meeting in January.

He also suggested that going forward the Annual Report start being compiled beginning in January.

AGENDA ITEM 5: Other Business

Board Updates

- None

Staff Updates

- None

January Oil and Gas Meeting

- Cassie invited AQAB to County Board's January 10 – Oil and Gas Meeting
- Exiting Board Members (Rich, Jim and John) also invited to attend
- Natural Resources Advisory Board (NRAB) also invited to attend.

Farewell to Exiting Board Members

- Jim Dennison (offered to reapply for a one-year term if needed)
- John Shenot
- Rich Fisher (absent)

Council Six-Month Agenda Planning Calendar

- January 3:
 - Short-term rentals on 1/3/16 Council calendar – radon disclosure requirement?
 - Regional Wasteshed Coalition staff report – includes waste handling and recycling (organics?)
- February 14 (work session):
 - Time of Use Pilot Study
- February 21:
 - Adoption of Downtown Plan
 - Adoption of Old Town Neighborhoods Plan and Old Town Neighborhood Design Guidelines
- February 28 (work session):
 - Road to 2020 – Scenarios to Achieve the 2020 Goals
- March 7:
 - International Codes Adoption – includes building, residential, fuel gas, energy conservation codes (first reading)
- March 21:
 - International Codes Adoption (second reading)
- June 6:
 - New Downtown Hotel Parking Structure (first reading)

Meeting Adjourned: 8:18 pm

Next Meeting: January 23