

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

**Date:** Monday, March 19, 2018  
**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**

Matt Tribby  
Chris Wood  
Arsineh Hecobian  
Mark Houdashelt, Chair  
Karen Artell  
Harry Edwards  
Vara Vissa, Vice-Chair  
Jim Dennison

**Board Members Absent**

Greg Clark

**Staff Present**

Cassie Archuleta, Staff Liaison  
Rebecca Everette, Senior Environmental Planner

**Guests**

Kyle Taylor, CSU Student  
Mason Ismert, CSU Student  
Mason Mizener, CSU Student  
Gayla Martinez, Citizen  
Eric Shenk, Transportation Board Member

**Call to order:** 5:32 pm

**Public Comments**

Gayla Martinez stated that she recently attended a Planning and Zoning Board meeting where Rebecca Everette made a presentation on oil and gas code updates in Fort Collins. She expressed appreciation for the City's efforts to implement stricter regulations on setbacks and believes that the proposed changes are an improvement but are not sufficient considering the potential health effects related to hydraulic fracturing and other oil and gas operations. She emphasized the complicated nature of determining safe distances from such operations and expressed concern that plugs may fail in previously developed neighborhoods. She stressed the importance of reevaluating decisions as more data becomes available.

**Approval of Minutes**

Chris moved, and Arsineh seconded a motion to approve the February minutes as presented with edits.  
Motion passed, 8-0-0.

## **AGENDA ITEM 1: Oil and Gas - Land Use Code Updates**

*Rebecca Everette, Senior Environmental Planner, presented the results of community outreach and proposed code changes for consideration. This item is scheduled to go before Council on June 5, 2018. She is hoping for a recommendation from the Board.*

- Currently, Prospect Energy is the only operator within the City and most oil and gas activity is concentrated in the Hearthfire neighborhood in northeast Fort Collins. There are 10 active wells within City limits and 16 within the growth management area. There are 20 abandoned wells within City limits and 30 within the growth management area.
- Code changes under consideration include:
  - Increase buffer requirement for residential development near existing oil and gas operations from 350’ to 500’. This change is consistent with current state regulations.
  - Add a buffer requirement of 1000’ for high occupancy buildings near oil and gas operations including public/private schools, nursing facilities, hospitals, life care institutions, correctional facilities and child care facilities. This change is also consistent with current state regulations.
  - A reduced setback (minimum 150’) near plugged and abandoned wells *if* specific requirements are met (via alternative compliance:
    - a site survey confirms the well location
    - confirmation that plugging or re-plugging the well meets current state standards
    - soil, air and groundwater sampling are performed regularly
    - installation of permanent monitoring equipment for future use
    - the area is deemed safe for residential development
  - Create an additional means of disclosure to future property owners
- Current COGCC plugging requirements:
  - “Plugs must permanently prevent migration of oil, gas, water, or other substance from the formation or horizon in which it originally occurred.”
  - Spaces between cement plugs should be filled with water, mud or other fluids of sufficient density to maintain appropriate pressure levels
  - Cement plugs must be a minimum of 100’ long and extend at least 100’ above each “zone” to be protected
  - Cement plug required from surface to 50’ in depth
  - Permanent markers at surface
- Current disclosure includes a radius note on the plat that shows all properties within 1000’ of an existing well. City staff are proposing an additional requirement for a recorded declaration of all properties within 1000’ for future property buyers.
- Outreach included:
  - The City mailed notifications to every property owner within 1000’ of any active or plugged well,
  - Emailed stakeholders and developers,
  - Developed an online questionnaire,
  - Created a City-wide posting on Nextdoor
  - Offered one-on-ones to residents.
- Public Comment
  - Majority support increased buffer around active wells
  - Majority concerned about reduced buffers around plugged/abandoned wells, health impacts and long-term failures
  - Majority agree that additional research and sampling is required

## **Discussion**

- Chris asked what is done with sampling data and if there are certain monitoring standards that must be met for alternative compliance. If sampling results are high, would a reduced setback be allowed?
  - Rebecca responded that exact techniques/methods are not detailed within codes because technology and data standards change over time. The resolution of the code, as explicitly specified within its purposes and goals, is to adequately protect residences and mitigate any harmful contaminants. If high levels of contaminants or leaks were discovered, they would be reported to the state/COGCC and a reduced buffer would likely be denied unless remediated.
- Arsineh noted that it is common for casings to fail over the long-term and enquired whether the City could monitor for such failures over the long-term, especially in soils and water?
  - At this time the proposed code changes would only requires initial sampling by the developer; no long-term sampling measures are stipulated, nor have they been budgeted for. City Staff has been exploring Longmont’s model; their program conducts initial sampling, followed by subsequent annual monitoring at all wells to check for soil vapor and ground water contamination. The equipment to sample soil and water can be easily installed and the City has already priced such equipment.
- Arsineh enquired about the point from which setback distances were measured.
  - Rebecca responded that setback distances are determined from the overall operation site, including the well bore, the pad and any equipment involved in the operation.
- Mark and Rebecca discussed the issue that occurred in Firestone which originated from a cut flowline attached to an active gas well. There may be flowlines coming from abandoned wells in Fort Collins, but if there are, any new development would have to identify those.
- Vara enquired whether or not residential child care facilities fall under the high-occupancy designation with regards to the 1000’ setback rule.

*Staff Follow-Up:* Rebecca will clarify how the state defines childcare operations; it likely depends upon how they’re licensed.

- Vara asked when these codes would take effect and who they would impact.
  - Rebecca stated that the new requirements would only apply to new development projects and would be paid for by the developer; the new buffers would not apply to existing structures. Furthermore, the majority of plugged and abandoned wells are already developed, so it’s unlikely that there will be a lot of new development in such areas as there is not much room for infill.
- Harry asked if the financial cost/benefits of the proposed code changes have been calculated.
  - Rebecca provided a cost per site breakdown and stated that there is a high incentive to perform testing to attain the 150’ setback radius; as much as ~16 acres of developable land could be gained by complying with testing and reporting requirements.
- Karen asked if the City will require developers to utilize certain companies for testing, and if the City would consider performing the monitoring work themselves.
  - Rebecca replied that the City cannot endorse a private contractor for any work, but they can review qualifications. She noted that they don’t currently have staff with the expertise to perform ongoing monitoring and that Council would have to approve funding to hire such staff members. This has been discussed.
- Matt asked if there is anything written in code that allows it to evolve with state setback changes?
  - Rebecca responded affirmatively and noted that the language in the new code is meant to be flexible enough to change with COGCC requirements. The City will continue to evaluate this code as more information becomes available.
- Matt expressed concern that annual testing may not be frequent enough. Residents could potentially be

exposed to harmful emissions for extended periods of time between testing. He asked if the new code would allow customer concerns or complaints to drive more frequent testing at sites that have been approved for a reduced buffer. For example, if residents noticed the emission of a strong odor, would they have the power to force immediate testing (and mitigation)?

- Cassie replied that the state would likely respond and ask for sampling at such a time. She went on to note that if a developer encounters a plugged and abandoned well that they were previously unaware of, they must take ownership of it, especially if it was damaged during construction.
- Mark asked if Fort Collins has the authority to specify setbacks that surpass the State’s.
  - Rebecca responded that other local communities have adopted buffer requirements that are higher than the State’s requirements and that Fort Collins could as well, but she noted that it could generate legal challenges from developers.
- Mark requested more data regarding failure rates of plugged and abandoned wells and asked who is liable for the resulting safety and air quality impacts.
  - Rebecca cited a 7-8% failure rate of plugged and abandoned wells based on data from a study in Alberta, Canada.. Longmont has found that chemicals used during remediation have greater impacts on soil and groundwater than well leaks have had; however, there are not currently many studies on this topic.
- Jim and Rebecca discussed the setback distances adopted by other cities. Longmont has adopted 750’, Thornton has adopted >1000’, but many communities still don’t require buffers. Jim expressed a desire to see data regarding the effects to air quality and groundwater at each of the proposed setback distances and would like to understand the COGCC and Longmont’s methodology for choosing these distances.
- Vara also expressed concerns about mitigation for natural disasters affecting oil and gas infrastructure and area integrity.

*The Board decided that they are not ready to make an official recommendation at this time. Members would like to know exactly how and why the proposed setback distances have been chosen, what constitutes a well failure, and what the potential health impacts associated with a failure are. CDPHE is currently working on a health risk assessment on emissions from oil and gas operations that will be released in 2018. Rebecca noted that these setback distances can be reevaluated after the study has been released. The Board will make a recommendation at the next meeting after discussing how setback distances are chosen with Rebecca.*

*Staff Follow-Up:* Rebecca will provide more information about how setback distances were chosen at the next AQAB meeting.

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## **AGENDA ITEM 2: Board Elections**

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Harry moved, and Jim seconded a motion to elect Mark as the Chair for the next term Motion passed, 8-0-0.
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Mark moved, and Harry seconded a motion to elect Vara as the Vice Chair Motion passed, 8-0-0.
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## **AGENDA ITEM 3: Discussion Items**

### **Coordination with other committees**

- The AQAB previously decided to participate in the Economic Advisory Committee project to organize

the coordination of multiple Boards for a focused discussion on how to make Boards & Commissions more effective (at least through the Futures Committee meeting in May). Mark has volunteered to attend the Futures Committee planning meeting on 4/2/18. The actual Futures Committee meeting will be held on 5/14/18 and Mark believes that these are open to the public, so any Board member can attend (as an observer); currently, Mark will be speaking on behalf of the AQAB.

- As previously discussed, Board members assigned representatives to monitor the agendas, and attend the meetings of 4 relevant Boards:
  - Transportation Board – Matt (Arsineh as alternate)
  - Planning & Zoning Board – Vara (Chris as alternate)
  - Natural Resources Board – Mark (Karen as alternate)
  - Energy Advisory Board – Arsineh (Harry as alternate)
  - In addition, Mark will attend Bicycle Advisory Committee meetings (Chris as alternate)

*Vara will investigate the potential of establishing an online sign-up sheet to foster collaboration and facilitate substitutions when necessary.*

### **Climate Change Subcommittee**

Mark moved, and Chris seconded a motion to create a Greenhouse Gas and Climate Change Subcommittee Motion passed, 8-0-0.
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*Vara and Jim volunteered as members of the subcommittee; the exact meeting time is to be decided.*

*Staff Follow-Up:* Cassie will clarify the details of operating a subcommittee.

### **Potential BFO Offers for Organic Waste Collection**

Diverting all organic waste from landfills is part of the City's 2020 goals but has been put on hold, in part, because there is nowhere within City limits to deposit the waste (regional watershed planning is attempting to address this). Mark has drafted a recommendation for the AQAB regarding potential BFO offers for organic waste collection that he'd like to discuss at an upcoming meeting. He would like clarification on how waste will be collected and has proposed the initiation of a pilot program in volunteer communities to work out the details of collecting organic waste from both residences and restaurants.

### **E-Bikes Update**

Colorado Senate recently passed a bill that will allow bicycles to pass through a stop sign if they slow to at least 15 mph or go straight through a red light if they stop first and there is no traffic. This bill still has to be taken up by the House. It's unclear how this would affect City code.

Bicycle Advisory Committee is likely to send a recommendation to the Transportation Board supporting a trial period for use of e-bikes on paved trails in Fort Collins. If Transportation Board decides to send a recommendation on to City Council, they may ask AQAB for a recommendation as well.

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### **Board Updates**

- Mark's edits to the AQAB bylaws are on hold until the Futures Committee meeting is over.
- Mark is awaiting feedback concerning the format of the annual report; he'll follow up once he's received it.
- Mark recently attended the initial meeting of the EV Roadmap Steering Committee focused on discovery; attendees were asked for input on the perceived barriers to purchasing EVs.
- 2/28/18 – Karen and Chris attended a talk given by Gina McCarthy at CSU
- 3/5/18 – Mark attended CSU's Zero Waste Symposium
- 3/19/18 – Karen attended a League of Women Voters meeting

- 4/17/18 – City Council adoption of the 2018 Strategic Plan and Income Qualified Assistance Program
- 4/19-20/18 – EPA Region 8 Radon Conference at the Doubletree Hotel in Westminster
- 5/8/18 – Council work session including an update on the Climate Action Plan
- 5/22/18 – Council work session including a review of recommendations from the Regional Wasteshed Project
- 6/5/18 – Council meeting including an update on Oil and Gas Land Use Codes

**Staff Updates**

- N/A

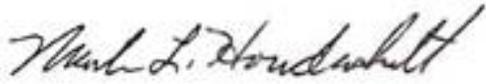
**Future Actions and Agenda Items**

- PRPA Presentation
- Oil and Gas Setback Recommendation
- Regional Waste Diversion
- E-Bikes

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**Meeting Adjourned:** 8:09 pm

**Next Meeting:** April 16, 2018



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**Signed by Chair**