

LARIMER COUNTY | ENVIRONMENTAL AND SCIENCE ADVISORY BOARD

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5738, Larimer.org

The role of the Advisory Board is to advise the Board of County Commissioners and appropriate departments on environmental and science-related issues that affect Larimer County.

MINUTES

Date: March 10th, 2020

Time: 6:00 – 9:00 p.m.

Location: Larimer County Courthouse Office Building, Lake Estes Meeting Room, 200 West Oak St Fort Collins, Colorado

Contact: Shelley Bayard de Volo, sbayard@larimer.org or 970.498.5738

MEMBERS		STAFF		GUESTS
Richard Alper	X	John Kefalas*	X	CDPHE
Daniel Beveridge	X	Shelley Bayard de Volo [¥]	X	David Dani, Emerging Contaminants Coordinator
Rich Conant	X	Shaun May [§]		
Jim Gerek - <i>Chair</i>	X			
Michael Jones	X			City of Fort Collins Water Board
Evelyn King	X			Steve Malers
David Lehman – <i>Vice-Chair</i>	X			
Allyson Little	X			
Kirk Longstein	X			
George Rinker	X			
Katrina Winborn-Miller	X			
Chris Wood	X			

X = present; * = Commissioner Liaison; † = Speaker; ¥ = ESAB Liaison; § = Larimer County Department of Health and Environment

Call to Order: 6:10 p.m.

- Amendments or additions to the agenda** – ESAB membership and NISP 1041 added to agenda for roundtable items.
- Introduction of members, staff and guests** – All present introduced themselves.
- Public Comment** – Jim G. read into the record a comment provided to him via email by Jim Neiman, a previous chair of the ESAB. Mr. Neiman expressed concerns over the Montava development and asked whether the ESAB was reviewing the environmental impacts associated with the project. The comment noted that the ESAB used to review land development projects. Jim explained to Mr. Neiman that the ESAB’s role today does not





include reviewing individual land development projects and that is the purview of the Planning Commission. Jim G. also read a similar comment into the record from Linda Thornton. The Board briefly discussed the County's role in the Montava project, which is within the City of Fort Collins' jurisdiction. The County's role involves traffic impacts to the county road system and otherwise coordinating with the City.

4. Discussion Items

- a. Water Quality impacts from PFAS chemicals from fire-fighting foams & other manufacturing – David Dani provided background on his research group at CDPHE. The Division oversees EPA regulated pollutants and contaminants. David Dani's group focuses on emerging contaminants, that are not yet EPA regulated, but are being watched. Substances like toxic algae and Per- and polyFluoroAlkyl Substances (PFAS). PFAS are described as forever compounds, because they are very stable and therefore last extremely long times in the environment. Low levels of the substances are found in 99% of people's blood, and even found in Arctic polar bears. The compounds are used in the manufacture of many items – e.g., Teflon coating for non-stick cookware, raincoats, popcorn bags and Class-B firefighting foams.

Health impacts – the primary concern is in drinking water. The EPA regularly monitors drinking water systems to see if chemicals show up that are not currently regulated, and PFASs were detected this way. Health effects include liver damage, asthma, thyroid disease, decreased fertility, lower birth weight and possible kidney and testicular cancers. The EPA issued a PFAS drinking water health advisory (non-regulatory) for a level of PFOS + PFOA at <70 ng / L. This level is barely detectable with instruments. The CDPHE has an action plan in place that includes

- Statewide monitoring to identify impacted drinking water.
- Develop inventory of contaminated sites.
- Reduce chain of exposure when levels found above health advisory guidelines.
- Creating regulatory authority.

Regarding the statewide monitoring, the CDPHE is providing free testing for drinking water provided by public water systems. The testing has started and will be ongoing through April. Results will be posted through the project's webpage at:

<https://www.colorado.gov/pacific/cdphe/PFCs/2020-Sampling-Project>

Regarding fire-fighting foams, those that contain the PFAS substances will be phased out by 2024, including at airports, military bases and oil/gas facilities.

One member asked about whether well systems are at risk of contamination. David Dani noted that because wells are drilled deep, they are at less of a risk. It's really surface water that is more at risk.

David closed by discussing some of the other contaminants his group follows. Algal blooms and blue-green algae are toxic to humans and pets, and show up a lot at public water bodies. This group is looking to map outbreaks that the public can use to see the latest status with regard to algal blooms.

5. **Approval of Minutes** – Ally moved to approve the January minutes, and George seconded. As corrected by David, the January minutes were approved by acclamation. Michael



moved to approve the February minutes, and Kirk seconded. The February minutes were approved by acclamation.

6. Updates and Round Table

- a. Oil and Gas Taskforce Update – The sub-committee met and discussed the draft regulations. They had comments regarding section #4 - Setbacks. The current draft includes a 1000 ft. setback for high occupancy buildings, which is higher than the 500ft identified in the State regulations. Question of how is “high occupancy” defined? Answer is that the COGCC defines the term. Commissioner Kefalas will argue for 1000ft setback from homes, and 2000ft setback from high occupancy facilities. Questions of whether there is a need for an adequate setback from water ways? Should there be a need to do a percolation study? And where would the 500ft be measured from? Center to center? Or from the edge of the boundary?

Section #6 - Fire Safety – Katrina spoke about the two triggers of fire at oil/gas facilities: 1) the burners that dehydrate water from the oil. That consists of a flame in a tank; 2) the gas vapor in a storage tank.

How does the board want to provide comments? Ally argued that the County has an opportunity to make their regulations specific for Larimer County and not just go with the COGCC’s regulations. The general consensus was that the draft regulations go in the right direction and protect public health.

The Board agreed to do two things 1) provide a memo to the BoCC that includes technical comments regarding sections #4 and #6, and 2) provide oral testimony at the BCC hearing. Michael moved to approve that strategy, and George seconded. The motion was passed by acclamation. Jim agreed to coordinate getting the authorized comments finalized and submitted in a timely manner.

Jim noted that the City of Fort Collins is considering creating land use regulations for O&G facilities within their jurisdiction. He attended a recent public comment session and City Council is scheduled for a work session on this April 28. Shelley noted an upcoming workshop on monitoring O&G emissions at the Colorado School of Mines.

- b. Climate Smart Larimer County – Noted during Commissioner’s Comments. The internal County staff team is targeting April 15th to bring a draft to the BoCC.
- c. Environmental Stewardship Awards – The committee was selected to review the nominees after the close of submissions. Michael, David, Daniel and Ally, with Ally serving as the lead. They will bring their recommendations to a future ESAB meeting.
- d. Board memberships – There are six current members whose terms end June 30 for various reasons. The ESAB bylaws limit members to two terms, but they may serve longer at the discretion of the BoCC. April 19th is the deadline to submit applications, and current board members whose terms end, but who want to continue to serve need to reapply via the online system.
- e. NISP 1041 Permit Review Process – Noted during Commissioner’s Comments, the application was submitted and is currently under technical review to determine if it is complete according to the 1041 rules. Once deemed complete, that sets a 90-



day clock for staff review, public comments and two executive sessions. Commissioner Kefalas indicated that the BoCC will not be asking for ESAB input on the application or any part of the process, but ESAB members are welcome to provide individual comments like any other member of the public. Staff are allowed to request input on a particular issue if they would like as part of internal referral process.

There was discussion of why the ESAB is prohibited from provide formal comments. Commissioner Kefalas explained that there are 12 review criteria as part of 1041 rules, which is a narrower scope than an IGA. The 1041 rules do not explicitly allow the BoCC to request input or comments from any of the Commissioner's advisory boards. Therefore, they are prohibited from doing so.

Jim noted that the Board needs to review this procedural issue further, as well as look at the technical aspects of the permit application regarding environmental issues. He will schedule this for an upcoming ESAB meeting.

7. **Issue Index** – The updates from tonight's meeting will be incorporated.
8. **Agenda Topics for Future Meetings** – Environmental Stewardship Awards
9. **Adjourn** – Rich Conant moved to adjourn the meeting with George seconding. All were in favor and the meeting was adjourned at 9:10 PM.