

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: June 14th, 2022

Time: 6:00 – 9:00 p.m.

Location: Rm. 333 Lake Estes, 200 W. Oak Street, Fort Collins, CO and Virtual by Zoom

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

MEMBERS		STAFF		GUESTS
Rodger Ames	X	John Kefalas*	X	
Daniel Beveridge	X	Shelley Bayard de Volo [¥]	X	
John Bleem	X	Heidi Pruess [§]	X	
Jim Gerek - Chair	X			
Ted Hendrickx	X	PLANNING		
David Lehman	X	Matt Lafferty		
Allyson Little		Leslie Ellis		
Kirk Longstein– Vice-Chair	X			
Kaitlin Rainsberger	X	COUNTY ATTORNEY		
George Rinker	X	Frank Haug		
Travis Rounsaville	X			
Shelby Sommer	X			
Catriona Smith	X			
Katrina Winborn-Miller				
Chris Wood				

X = present; * = Commissioner Liaison; ‡ = Speaker; ¥ = ESAB Liaison; ° = Facilities;

§ = Environmental and Sustainability Program; ° = Fleet

Call to Order: 6:15 p.m.

1. **Amendments or additions to the agenda** – None
2. **Introduction of members, staff, and guests** – The members introduced themselves
3. **Public Comment** – No public comment.
4. **Discussion Items**
 - **Implementation of Oil and Gas Regulations in Larimer County** – Matt Lafferty was joined by Lesli Ellis and Frank Haug to provide an update of how the County's oil and gas regulations, adopted last year, are working. Matt noted that the County's regulatory authority can only be





applied to activities happening on the surface. They do not apply to sub-surface activities. As well, the County regulations only apply to new permit applications because existing wells and operations were permitted under the State's system and regulations. However, existing sites would be regulated by the County when they expand by adding new wells or other major facilities.

In cases where an operator within the County incurs deficiencies at a site (e.g., spills, leaks, fires, etc.) and the site operations are permitted by the State, then to gain compliance and resolution the County needs to work with the State. Matt then explained the recognition that many operations in the State may be using very old equipment, and they may not be currently producing. New rules require operators to provide a financial assurance plan and bond to the State by July 1st (≥ 50 wells) or October 1st (< 50 wells). The State will also look at the operations and require that they produce ≥ 2 barrels/day of oil and/or gas to qualify as "productive". If they do not, then operators are required to plug and abandon the well. The County is looking at the production numbers and mapping where non-productive wells are located. They want to see if there are non-productive wells near neighborhoods, schools, and other environmentally sensitive areas, and prioritize those for closure. They plan to coordinate with the operators and encourage them to consider closure based on the financial assurance plans that require operators to post \$100K bond that will be used for plugging and closing the well sometime in the future. If the operator declines to close the well, the County can petition the COGCC to force them to close them.

With regards to the fire at the Hearthfire Well Pad site, the County sent a letter to the State COGCC notifying them that the County is concerned with the Hearthfire site's operations. The letter provided a list of violations, including leaks on their tanks, that have not been resolved in 3 years. The letter requested that the COGCC bring the operator back into compliance, and if they do not comply then the State should levy fines.

In addressing the ESAB's question of what staff does the Planning Department have to review oil and gas development permit applications, Matt noted that when the County adopted the O&G regulations last year, they looked at the zoning districts (FA 1 and FA 2) that are around the cities and said that no new oil and gas operation can be developed in those zones. Most of those districts are around Johnstown and Berthoud, and that is where most developable oil deposits are located. In the north of the County there are not as many developable deposits and Planning does not anticipate very many development permit applications. Planning has determined that their staff does not have the expertise to review the applications in detail, so the Land Use Code states that Planning can use a consultant to do the reviews at the applicant's expense. The application to the County would also run in parallel to the application process with the State. Right now, the only staff that works on these applications is Matt, as the Local Government designee, and he spends about a quarter of his time on them. Frank Haug, County Attorney also spends some of his time and Planning consults with Matt Sura, an independent oil and gas attorney that helps on the land use code and working with the COGCC. At this point, Planning does not have the need to bring on additional staff dedicated to oil and gas development. Matt then asked if Frank or Lesli had any additional comments, which they did not. David asked does the County have an inventory of all these wells? Matt said there are 263 active wells in Larimer County, with 450 other wells that are dry and abandoned, or otherwise not active. Of the 263, ~120-150 are producing wells, so that leaves ~120+ that are non-producing and should be considered for plugging and shutting down. Shelby asked if those numbers were for Larimer County as a whole, or just unincorporated LC? Matt noted that that



they were for the County as a whole. Shelby asked if the regulations applied to all of Larimer County? Matt noted that they only apply within unincorporated Larimer County. Matt noted that there are two potential new applications coming to the County: (1) South side of Hwy 34 (Loveland), and (2) east side of I25 (Timnath). In both cases Larimer County will provide those cities assistance in terms of technical advice and with working with the COGCC. Right now, Larimer County is also coordinating with the City of Fort Collins, and they plan to have conversations with other jurisdictions within the County as well.

- Climate Smart Larimer County Process Update – Heidi Pruess covered three topics (1) the Climate Smart Recommendations Report; (2) Internal Climate and Sustainability Action Plan; and (3) the ESAB Review Calendar.

The CSLC Recommendations Report - provides recommendations for Phase 3 of the community Plan. It is informed by the Phase 1 and Phase 2 community engagement processes. The primary recommendations were:

- New Title = Climate Smart and Future Ready: Strategies for a Sustainable Larimer County
- Equity, Diversity, and Inclusion (EDI) Board Involvement
- Focus Area Improvements
- Climate and Sustainability Emphasis
- Approach as convener and include informational programs
- Create SMART goals and objectives
- Begin with community + framework recommendations
- Continued and improved community engagement

They are also continuing to identify potential community partners, and during Phase 3 they will continue to engage the external taskforce group, as well as the ESAB. Heidi then presented the Focus areas, as described in each phase and how they have been revised to be more intuitive for all community members.

Next steps include presentation of the Recommendations to the BCC in worksession (June 27th); Phase 3 to begin July 2022 including forming workgroups, engaging regional elected officials and contractor hiring.

The strategy is to develop an Executive Team comprised of municipalities, county staff, EDI Board and academic professionals. The four Workgroups will be comprised of the Phase 2 task force, industry representatives, local government staff, academic sector, non-profit sector. The four Focus Areas are:

- Built Environment, Waste and Economy
- Mobility, Delivery, and Internet Services
- Natural Environment, Water and Agriculture
- Wellbeing and Resilience

Kirk asked whether the topic of hiring additional support staff was being considered. He noted there is a lot of work happening that seems to be more than one person can do. Heidi noted that it would be something they would evaluate further down the road once it is clear how much effort the County will contribute versus community partners. Kirk asked about the AmeriCorps Spark Fellow who will be hired. Heidi said that she received funding to support the position and the Fellow will begin in September and serve for 11 months. Heidi also has an intern from CSU working on educational materials. Shelby asked about assignment of



representatives to the work groups, noting that participating on all four groups would be problematic in terms of time commitments. Heidi said that she and the Commissioners are still evaluating assignments and looking carefully at who would be the best persons to serve on each group. Jim noted that the ESAB would be happy to provide more members to participate.

Internal Plan – The progress update included that Department Directors are establishing and refining local goals; desired outcomes and cost range estimates are being added; the actions have been separated into an initial plan vs parking lot (place where action items are parked and will be revisited sometime in the future); the comments from County advisory boards, Fort Collins Sustainability Team, department staff, and County elected officials were integrated. There are 12 goals in the four priority areas. Some are SMART and others are in development to be SMART. There are short-term (2024) and long-term (2030) timeframes, and this effort is focused internally.

Desired Conditions were added to the Plan: Community Resiliency, Economic Sustainability, Environmental Quality and Social Equity. As well, cost estimates were added and are binned as nominal (<\$10K), moderate (\$10K to 100K), high (\$100K to 500K), and significant (>\$500K).

Next steps include:

- Upcoming BoCC work session June 27th
- Start creating baselines
- Department budgeting
- Start implementing short term goals – staff sub-committees developed
- Update website
- Prepare progress updates for BoCC update December and June annually
- Adjust to “Climate Smart and Future Ready” terminology as appropriate

David asked about data and whether there have been discussions on what data the County needs and how will they acquire it. Heidi noted that this very question has been a point of discussion with several CSU researchers, and they are investigating those question now. David asked about the GHG inventory presented in the report as it's based on 2010 data, which at this point is quite outdated. Updating that data is one of the actions under air quality, and that update will be a task for the consultant during Phase 3. Kirk asked about alignment with other existing County Plans? Heidi noted that yes, any SMART goals are informed by the existing County Plans and what they report as goals and benchmarks.

Heidi then showed the timeline for opportunities for the ESAB to participate on both the Climate Smart and Future Ready (CSFR) and the Internal Climate and Sustainability Action Plan (CSAP). By September, invitations to participate in workgroups will have gone out to community partners, and the consultant will be contracted. Then by December there should be progress on the CSAP and maybe some update on the CSFR. Heidi asked about how the ESAB wants to participate and comment. She noted that the process of receiving documents at one meeting, allowing for deliberation, and then voting on final comments at a next meeting may not work because of the timing of the process. Jim noted that the ESAB is required to deliberate and hold votes at public meetings. They can always call a special meeting if absolutely required. If Heidi is looking for a consolidated approval from the Board, then that must be done in a public meeting. Otherwise, board members are limited to providing individual comments. Shelley noted that other boards simply provide Heidi verbal comments at the meetings and that might be a way to provide timely comments. Jim noted that there were a few comments tonight that should be considered. Shelby then commented on a few



items that she thought were worthy to consider. One of the Fleet action items noted the need to “decrease” average miles per gal and she said that should read as “increase” average miles per gal or decrease VMT. Energy Goals, in the action of renewable energy production at county facilities (EPU 4), to reduce GHG emission by 25%, but the last GHG inventory showed that 17% of emissions were from County operations. So, to reduce by 25% would mean that County facilities would be a net producer of electricity. Heidi noted how the current numbers are likely not accurate and stressed the need to make actions SMART based on accurate baselines. David and Travis noted that the graphic on page 12 that identifies Larimer County as “not a rural county” is misleading and should be removed, as it does not really contribute much and is hard to read.

Heidi finished by saying the work that Fleet is doing will be integrated into the CSFR process. Heidi noted that comments would have to be submitted by the 17th so she can incorporate them for the BoCC presentation by the 27th. Jim asked ESAB members to review the documents further on their own and provide any individual comments directly to Heidi by June 17.

5. **Approval of Minutes** – At David’s request Shelley removed the word “viral” from the draft text where infections were listed out in the summary of David’s presentation. John moved to approve the revised draft May minutes, and Cat seconded. The May minutes were approved by acclamation.
6. **Updates and Round Table**
 - Commissioner’s Update – The Commissioner noted that he recently participated on a tour of the Upper Colorado River Basin sponsored by Water Education Colorado. He will provide a summary of the tour at a future meeting and will forward the tour packet to Shelley to distribute to members. Regarding air quality, there will be a BoCC work session July 14th where Commissioners will hear from the County Health Department on what they are currently doing with regards to air quality monitoring. NFRMPO is requesting participation in a single question survey regarding premium transit. The survey is open now and closes tomorrow if members want to participate. Regarding the County Manager position, on June 24th, there will be an opportunity for community engagement with the four finalists. Advisory board members can provide questions or otherwise engage with the applicants. On June 29th, the BoCC will decide and make an offer.
 - ESAB New Member Interviews – Jim noted that there were eight applications for the single seat, and all were very well qualified for the position. The decision was made to interview four applicants, and those interviews will be scheduled soon. The new member should be seated on the advisory board sometime later in the summer.
 - Member Recognition – David Lehman was recognized for his exemplary service over the past 7 years. David has provided valuable expertise in many areas, but especially in evaluating data analysis and presenting statistical data. Jim presented David with a formal certificate honoring his time on the Board.
 - Update on Air Quality Monitoring – Rodger noted several efforts ongoing at the State level (ozone non-attainment, the air quality enterprise board, clean truck rule information sessions, and the 2021 oil and gas rulemaking town halls). Rodger summarized the joint special meeting of the Board of County Commissioners and the City of Fort Collins, held on April 13th. The goals of the meeting were to discuss formal agreements for cost sharing, and to establish a regional air quality monitoring advisory committee. The justification is the region’s recent shift to an ozone non-attainment status of severe. Larimer County’s comments focused on



increasing public awareness on air quality issues, including health impacts. The County has a contract with the CDPHE to inspect sources in Larimer County for compliance. When asked why we need more monitors, it was noted that there is a gap in knowledge of air quality measures with using only the current 3 monitors. There is a need for monitors in Loveland and other eastern portions of the County. The City of Fort Collins is collaborating with CSU on a smoke-ready particulate monitoring program, and they are anticipating a grant award in the fall for air toxics monitoring. Some opportunities for partnership with the County include maintaining air quality monitoring equipment, and collaboration on oil and gas leak detection and responding to complaints.

There was consensus on the need for an air quality monitoring committee, whose focus would be on establishing community priorities, air toxics risks, and source apportionment and inter-jurisdictional transport. Commissioner Kefalas noted that there will be a follow-up BoCC worksession July 14th where the County will discuss some of their conclusions from the April meeting. Rodger then discussed the State's Air Quality Enterprise Board's activities and summarized their May 13th meeting. Rodger offered to do an in-depth presentation on air quality monitoring and air toxics apportionment at a later date. Shelley noted that if the Board did make this an agenda item in the future, that it might be good to invite the Fort Collins Air Quality Advisory Board.

- Upcoming Air Quality Webinar - Jim noted that the Larimer Alliance and Colorado Rising will be doing a webinar on air quality the evening of June 16.
- Larimer County Regional Water Planning Update – Shelby introduced Lesli Ellis who provided a little background on the water planning project, funded through a DOLA grant. Its focus is to document existing conditions in the County for water availability. Shelby showed the County's webpage for the Regional Planning Study. On that website are several reports, covering the current conditions, risks and vulnerabilities. Shelby then went through some highlights in the report.
- Environmental Stewardship Awards – Shelley noted that the awards ceremony is scheduled for June 27th 3PM in the BoCC Hearing room and all awardees are expected to participate. ESAB members are welcome to attend or watch via video link.
- Roundtable – Ted noted the State's passing of legislation to fund a statewide Turf Replacement program. Shelby noted the importance for the County, through the Climate Smart process, to work with water providers to implement that program throughout the County.

7. **Issue Index** – Was updated with tonight's discussion
8. **Agenda Topics for Next Meeting** – Next regular meeting will be July 12th, 2022. Discussion items TBD.
9. **Adjourn** – David moved, and Travis seconded, to adjourn. The meeting ended at 8:50 PM.