

# Grand County Planning Commission Minutes

March 10, 2010

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Grand County Courthouse, Council Chambers.

**Members Present:** Chair Kalen Jones, Ed Bridges, Dave Tubbs, Dave Cozzens, Dave Stolfa, Mike Duncan, and Pam Hackley.

Council liaison – Gene Ciarus

**Others Present:** County staff Mary Hofhine, and Mark Wright and other concerned citizens.

The Chair called the meeting to order at 6:00 PM and asked that cell phones be turned off or silenced.

**Continued Public Hearing – Draft Production Water Disposal and Recycling Facilities Land Use Code Amendment:** The Chair asked if there was anyone in the audience that would like to speak on the subject.

**Laura Kamala** – In the current draft of the ordinance the emissions section was stricken out, would like the County to put the regulation back. With the best control technology adopted would encourage the operators to do a better job. Also, would like the County to request the Department of Air Quality to come up with an ~~an~~ ~~ae~~ cumulative impact figure so we know what the County is dealing with.

With no other public comment the Chair asked staff to make the presentation on the current changes. The changes to the ordinance included:

- Adding (6) wildlife protection measures in 1.c – and removing the redundancy in section 2.c.
- Removing section – M – Cumulative Maximum Annual Emission of Hazardous Air Pollutants. That's been the most problematic section in the ordinance.
- Including the section on Contingency Plans and the protocol for such plans.

Also Mark Wright gave an explanation of the air quality reports and formulas that calculated the numbers, which were discussed at length last meeting and reviewed by email to the County Engineer. Mr. Wright is satisfied with the current evaluation. These calculations were sent to UDOGM and they concur with the current data sheets. There is a freeware program with the EPA called "water9" that can be downloaded, in discussions with Tim Andrus, he felt it would take some time to learn, but is a good program.

The County Engineer also gave a comparison of an air quality study with other counties. This included VOC emissions from oil and gas wells. This is for the total inventory of emissions, which will comprise of such things as paint shops, breweries, cabinet shops, and all car emissions. The model results were eight years old so the numbers could be better or worse for 2010.

The Commission discussed the report and asked questions to the Engineer regarding many of the report's calculations. The discussions included;

- The State and Federal Governments are also wrestling with the same thing; the County has a duty and an opportunity to set a standard to protect our citizens. If the Commission puts a number on the cumulative emissions we at least have a foundation to stand on.
- the need to have the cumulative annual emission of HAPS put back into the ordinance, but to allow up to 30,000 pounds of HAPS per year.

After a lengthy discussion on the cumulative maximum annual emission of hazardous air pollutants (HAP's) at length, Mike Duncan offered a motion.

Mike Duncan offered a motion to reinstate 1.m into the draft ordinance with the following amendment; change the total of all HAP's permitted to 30,000 lbs per year and with the addition of a bullet that states, Facilities that do not meet the "de minimus" air quality standards, shall be required to install best available control technology.

Dave Cozzens seconded

The Chair asked the Commission if there was further discussion – the Commission discussed how the formulas were decided on and what would be the issues with the proposed change.

The Chair gave a synopsis of the discussion; "It seems like there are a couple of other things we could look at which might allay our concerns, or focus our regulatory effort. At the risk of being grandiose, one of the hallmarks of the scientific method is repeatability. We've only looked at one quarter's sampling data. Although it sounds like the actual production water likely doesn't vary much quarter to quarter, there is still the possibility of human and machine error in the sampling, analysis, and reporting process, which if it occurred might skew our perception of the risks created by Danish Flats. Given that the county has two more quarters of data, and the tipping fee it is collecting is ostensibly for monitoring, I think it would behoove the staff to prioritize running that data through the spreadsheet.

The second issue is that ultimately, it doesn't seem like we are as concerned about the emissions per se, but with their potential impacts on the health of the citizens, and on air quality, especially ozone formation. We are just looking at VOCs and HAPs as a whole. Especially in terms of air quality different chemicals have markedly different ozone creation potential. Perhaps if we looked at the potential for the individual chemicals in the sample to act as ozone precursors, and their concentrations in the sample, we could have a better sense of the possible impact of evaporation ponds. Depending on the results this might ease, or increase, the concerns of some commissioners, or help us refine the regulations."

Dave Stolfa made a motion to amend Mike Duncan's motion to change the total of all HAP's permitted to 20,000 lbs per year, Mike Duncan and Dave Cozzens accepted the amendment to the motion.

Pam Hackley supports the amended motion with the County Engineer's further investigations and discussion with Department of Air Quality and the current spread sheet formulas.

Dave Stolfa stated that if it is demonstrated that there is a need for more ponds and/or injection wells or the plants demonstrate that there are potential hazardous situations, we can always reopen the ordinance and re-digest it.

The Chair stated that the Commission can open and amend this or any ordinance at any time we considered a need to amend. With no more discussion the Chair called for a vote on the motion to, to reinstate 1.m into the draft ordinance with the following amendment; change the total of all HAP's permitted to ~~30,000~~ 20,000 lbs per year and with the addition of a bullet that states, Facilities that do not meet the "de minimus" air quality standards, shall be required to install best available control technology. All voted in favor.

The Chair asked if there were any other amendments to the draft ordinance.

Pam Hackley explained that in removing the redundancy of the fencing section, the section to require perimeter fencing was lost, would like to have the perimeter fencing section put back in under 1.c with a new number (7) *Perimeter fencing shall be installed to keep wildlife and agriculture stock off the premises.*

Also the new section for the contingency plan, would like to amend this section to clarify where the material safety data sheets would be maintained and to have "at a minimum" added to second sentence. Discussed adding that "all chemical constituents" are provided on the MSDS sheets.

The Commission discussed the requested amendments and concluded that the chemical constituents for all chemicals are proprietary and we cannot control that in an ordinance.

The amendments discussed were to the following sections of the draft ordinance:

Page 2 – add (7) Perimeter fencing shall be installed to keep wildlife and agriculture stock off the premises.

Page 5 – change t. Contingency Plan to read as follows;

The applicant shall provide a contingency plan (including material safety data sheets) to be maintained on-site and at the appropriate offices of the emergency service providers listed below for the purpose of describing what actions shall be taken in the event of unintentional release and/or exposure. The plan shall provide, at a minimum for communications protocol, including emergency responder notification. Copies shall be provided to the following service providers: Sheriff's Department, Fire Department(s), local hospital(s), and Emergency Medical Services (EMS).

The Chair closed the public hearing and called for a vote on the draft Production Water Ordinance amendments.

Dave Stolfa moved to recommend the draft ordinance as amended to the County Council, Dave Tubbs seconded and all voted in favor. ☺ Happy dance

### **Public hearing – Draft Grand County Construction Standards and Land Use Code Amendment:**

The Chair opened the public hearing for public comment; with no public comment the public hearing was closed.

Dave Cozzens presented a change to the road design standards and has asked that staff look at them and provide comment on the proposed width of streets and safety concerns. (attached)

Dave Cozzens moved to table the draft Grand County Construction Standards and direct staff to research the proposed changes and present them at the April 14<sup>th</sup> meeting. Pam Hackley seconded.

Discussion – the Commission asked if there were other changes to Sections II through V or could review of those sections commence? The Commission concluded that the request for further study was only for Section I, Streets and Roads, and Sections II through V would be left open for review.

Mike Duncan moved to amend the motion to only table Section I, Streets and Roads of the Grand Construction Standards Dave Cozzens and Pam Hackley agreed to the amendment.

The Chair asked if there were changes to Section II Storm Water Drainage - no changes were addressed.

Section III Fire Protection – the only change was to have the wording of fire districts include all districts.

Section IV Sewer – no changes

Section V Water – misspelled words were corrected, the need for copper piping for water piping, and have the GWSSA board take up the issue of the secondary water system. Staff informed the Commission that a Land Use Code amendment would need to be addressed to adopt the secondary water system as proposed in the Construction Standards.

Dave Cozzens ~~amended the motion moved~~ to direct staff to:

- get clarification of the intent of the copper piping for water lines,
- have the Board for GWSSA report on the secondary water system,
- correct the misspelled words, and
- include all fire districts in the Fire Protection section.

Ed Bridges seconded and all voted in favor.

**Approval of Minutes** – The acceptance of the February 10<sup>th</sup> minutes with typos corrected Ed Bridges motioned to accept and Dave Stolfa seconded, all voted in favor. Acceptance of February 24, minutes with the addition of the request by the Commission for the interim bird study from Danish Flats. Dave Stolfa moved to accept as amended Ed Bridges seconded, all voted in favor except Dave Cozzens as he was not present at the February 24<sup>th</sup> meeting.

**Community Development Update** – The County Engineer gave a brief update to the UDOT and North Moab Canyon projects.

**County Council Update** – The Council heard and approved the Cutler preliminary plat and the A&M preliminary plat. Also gave an update on the race track.

**Adjournment:** The meeting was adjourned at 8:30 P.M.