

Cerro Gordo County Board of Health
Friday, February 12, 2010

Present: Mark Johnson, MD, Chairman
Candi Schickel, Vice Chair
Barb Kellogg, Secretary

Absent: Pat O'Brien-Galasso
Phil Dougherty

Staff: Brian Hanft, REHS, MPA, Environmental Health Service Manager
Linda Read, RN, BSN, Service Manager, Family & Community Health
Karen Crimmings, RN, Disease Prevention and Investigation Service
Tammy Bryant, Health Promotion & Education Service Manager
Kara Vogelson, Assistant Health Planner
Kelli Huinker, Wellness Coordinator

Meeting was called to order at 12:33 pm.

Minutes: Motion by Kellogg, second by Schickel to approve the minutes of December 18, 2009 and January 8, 2010 as distributed. Motion passed.

Quarterly Reports: Motion by Kellogg, second by Schickel to approve the FY 09-10 2nd Quarter Reports as presented. Motion passed.

Old Business: Kara Vogelson distributed a copy of the Cerro Gordo County Department of Public Health Strategic Planning 2008-2011, which included amended health priorities shown in purple. Motion by Kellogg, second by Schickel to approve the document as presented. Motion passed.

Regarding building relocation plans Brian Hanft mentioned that Skott Architects are still in contact with Ron Osterholm and recently sent him a layout which included photo mock-ups.

Brian Hanft informed the Board that the Free Clinics Board of Director's have been on a hiatus of sorts, as they did not meet in January but will meet on February 24. Basic issues are still being worked out with Amy Fleming routinely contacting Dr. Lindstrom to ensure there are no "hiccups" on her end. The clinic is seeing 10-14 people on average each week. Hanft indicated they are in the process of updating their brochure.

Schickel mentioned the average deposit of donations for the clinic has been \$2,200. The first medication bill for three clinics totaled \$600; the last medication bill totaled \$900 but encompassed four clinics. Thus,

Schickel indicated she is writing grants in hopes of covering the costs of the medications except to those companies that indicate only the cost of equipment can be applied for.

The fact that Allison Beattie is not on board indefinitely but only through the end of this March was discussed; as was recruiting physicians by way of handing out packets with a set meeting time for them to attend.

Air Quality
Ordinance:

Brian Hanft led discussion regarding the draft copy of the Air Quality Ordinance which the Department of Natural Resources (DNR) has reviewed in order to provide input. The DNR will have some kind of oversight over any air quality program we implement. Hanft handed out an updated Ordinance for the Board which had the Title 5 sources removed, as we won't be permitting or dealing with for several years. Title 5 facilities are the large air quality polluters' permittees through the DNR. Examples are Golden Grain Energy, both local cement plants and Curries Manufacturing.

Hanft explained an air quality program is a program set up to initially regulate minor source facilities which are referred to as area sources. Also included in the packet was an air quality alert issued last week for North East Iowa which was sent throughout the state. Hanft didn't know the specifics but there were elevated particulate matter in the air in NE Iowa and notification was put out regarding it. The point of the alert is the fact that we have no oversight or regulatory authority within our own county to deal with air quality issues. We have a lot of issues taken care of but air quality is regulated out of the Des Moines office with oversight by the Region 2 Office.

Having just approved the Strategic Plan, Hanft wanted the Board to recognize that air quality has been a Tier 2 priority for the department for last three years. It has been a priority of Osterholm's since Hanft joined the department. Thus, Hanft is trying to push this forward especially in light of the fiscal situations we find ourselves in; trying to create another program to expand the environmental health program and potentially transplant some employees. Hanft's motivation for starting this program include meeting the goal of the strategic plan, our fiscal situation within the department and providing a good quality public health program.

Today's packet also included an Application for a Certificate of Acceptance of Local Air Pollution Control Program (draft copy). The DNR is supposed to require local departments of public health with a form to fill out; the problem is it hasn't been requested in over 30 years. Polk and Linn Counties are the only two local air quality programs in the state and they started in 1980; no one has tried to deal with this in 30 years. Hanft had to create the certificate from scratch in the last couple of weeks.

There is a long list of items we need to provide the DNR in order to get our letter of acceptance. The letter of acceptance states that we have the authority and the capability to start up an air quality program and do what the DNR requires of us.

A timeline, a 6 year plan for developing this air quality program was included in the packet. The first phase of the program is to create an area source program where all we will do is permit and inspect minor source facilities. Minor source facilities include rock crushing facilities, concrete batch plants, some industrial sources, dry cleaners, gas stations, feed mill processors, grain elevators, pet crematories, furniture production, tire manufacturers, and tire re-treaders. This document encompassed all these to show a county assessment of potential facilities which may be regulated. It was required of the DNR to show where we may be regulating. Generators have to have a permit; there over 50 cell phone towers in Cerro Gordo County which are generally being retro-fitted with generators.

Limo services and bus lines are listed but probably won't need to be permitted since they don't have large gasoline storage facilities. Auto body shops, resurfacing facilities, de-greasers, places that work on motors will all need a permit. We are now going to regulate businesses that haven't been actively regulated before. They are going to need to apply for a permit, we'll have to review what it is they are doing and then implement into the permit those requirements they need. This is not necessarily changing what they are doing; it's just providing regulatory oversight for what it is they do.

When asked how he arrived at all this information, Hanft explained he came to us from Polk County who has an Air Quality program and a friend of his now oversees it.

Long-term plans, if we look to launch this, is the fact that our community currently is not doing any regulatory oversight for any air quality facilities except for large facilities. Those large facilities alone are paying well over \$500,000 in just operating permit fees that go straight to the DNR. Those fees are then used to run other programs throughout the state. They help pay Polk and Scott Counties programs. There are two different kinds of permits, there are construction permits and there are operating permits. If a facility changes anything with their processes, they have to get a construction permit but that is something we will not deal with initially.

Phase Two of this air quality program is conducting air monitoring which is currently being done by the University of Iowa Hygienic Laboratory under contract for the DNR. Hanft has no desire to do that, all he wants to do is to start small. As big as this is, this is starting small.

The Clean Air Act has requirements already in place for these facilities whether or not they know it. They are not paying for a permit fee or they are permitted but not paying for it. They are governed by rules, so the DNR is basically saying fill out this form. They are self-regulating; there are no inspection requirements to guarantee compliance. If the Environmental Protection Agency (EPA) happens to conduct spot checks in Mason City or Cerro Gordo County and they go to these places and find they are in violation of the Clean Air Act, the fines for them can be in the tens to hundreds of thousands of dollars.

As much as facilities don't want to hear it, we are going to be here and are going to set up an inexpensive permit program. Hanft set it up at \$50 per point source as a starting place. The fees can then accompany potential violation charges which will be significantly less than State fines. Polk County provides a local program that responds to any issues at the drop of a hat; provides consultation services to help them through any problems they may have and minimizes their fines. So the Iowa DNR does not go in and supersede or oversee what the locals are doing, the locals do it. If there are some blatant issues that they need to seek reinforcement, they can do that but their fines are set much much lower. If the EPA were to come in and find violations, they fall back to local program. The local program fines/issues are then basically handled; they are not obligated to pay those larger fines.

It was asked if these facilities would be inspected annually similar to the swimming pool, food facilities and groundwater facilities. The DNR is supposed to conduct spot checks every 5 years, but they will tell you they aren't even doing that. They don't have the staff to do any type of oversight. Hanft is telling the DNR, once permitted; we'll visit these facilities on an annual basis. It was asked from the Des Moines experience, how many facilities will be in compliance "just out of the shoot". It had been too long ago for Hanft to recall.

It was asked if our office ever receives complaints on facilities polluting the air. Since we don't regulate that program, we don't get those calls. There are two people who handle complaints at the Region 2 DNR office; which take up a lot of time.

The way the Clean Air Act is written, the DNR will use certain pots of money to help fund local programs. It's a three-fifths split, DNR pays 60% and we will pay 40%. The goal here is to look to create a system that will generate enough money which will leverage more money coming in to help fund the program. Hanft doesn't know if we'll get there but we won't know until we try.

The Ordinance itself, Hanft used Polk Counties ordinance almost verbatim but has changed some things. We have compliance schedules written into our ordinance. The DNR wants to review more closely upon resubmission of those rules, which again are Polk County rules which have been in place for 30 years; DNR rules are not this in-depth.

It was asked if we'll have equipment to test on the spot or how do we know if they are in compliance? Hanft stated he was to go to Des Moines this past week and go out on inspections with them, due to weather he was unable. A lot of this is "learning as we go" so Hanft doesn't know how they do it other than reviewing documentation and looking at whatever chemical they use, to see how much they've used. The permits are written based on their processes, it's not changing their processes to fit the permit. They are going to pay based on what they are doing and making sure they don't exceed that.

Using Marshall & Swift as an example, as Hanft understand it, a permit will be drafted for their processes, we will visit them annually, reviewing their documentation, making sure they are doing what they say they are going to do. Where a local program benefits a business at the local level, is we write permits and yes they will pay for those permits where they maybe haven't in the past. We are going to see that their permits are specific for what they are doing and possibly reduce permit fees in the process.

Facilities are going to have to pay a permit fee based on what they are doing – in essence pay for the pollution they are putting out. The permit itself will be structured based on the volume of pollutant put out, with fees set by this Board.

Are we protecting the environmental and the population? Are we trying to protect us or the people inside, or both? There are MSDS sheets from OSHA for the workers of the facility.

It was asked if it was possible that by the facility being monitored and getting us within the facility and potentially changing how they might do something, that it would have a beneficial affect on their workman's comp rates? Hanft stated there is the potential. It was suggested, if the businesses were more likely than others to have workman's comp claims related to air quality, to inform the facility of the benefit (of this ordinance) to them. Hanft pointed out that this Ordinance is more focused on the air quality outside of each facility.

Hanft pointed out a single page list of reasons to start a local air quality program in Cerro Gordo County. Hanft put this together to answer some of those questions. Using Marshall & Swift again, we have them doing

what they do, under a permit or not. By going in and issuing permits for what it is they're doing, we'll have some control or input over what they are putting out. It's not going to change what it is they are doing but it's having some regulatory oversight as to what is happening.

Keep in mind, the permitting of the area sources is really just a start; the other piece of this is monitoring which we aren't going to initially do as equipment and more staff would be needed. To know what is happening with the air quality or if the air quality is getting any better, the whole point is to improve the air quality for the general public so that the companies that are using whatever chemical to do what they do are not impacting local public health. One of Osterholm's long-term goals with this has always been "this program will provide important epidemiological data to support and define public health programs or issues". If we have prevailing winds from the northwest, do the people southeast of here have higher rates of asthma and allergies? No one is putting any modeling to that. Modeling **is** part of this.

Hanft stated today what he was looking for the Board to look at the ordinance, be happy with the direction being taken and approve this ordinance to take back to the Board of Supervisors. Hanft stated he wanted to go before the Supervisor's to pass the Ordinance. It was questioned whether Hanft could defend the Ordinance. Can we put out a quality program and defend it to all, including people who are very knowledgeable? Hanft stated a lot of the aggressiveness with the timeline is due in part to our budget situation. Is there any room to say we're going to pilot this program now and reassess it in 18-24 months? Hanft stated his goal is to get to the point where we can bring somebody in who can sit down and focus solely on air quality with the rules that have been drafted and take it to that next level. We can't do that without funding and that funding is not going to be handed to us by the DNR. It's either going to be tax-supported or we're not going to get it off the ground so to try to start small, which this is, and create a revenue stream; it almost has to happen. Hanft could not say what the average fees a "mom and pop" business would have to pay, he could only say that he set the fees at \$50 per point and indicated that the potential fee for each area source, as listed, was noted. Hanft mentioned he also has open burning addressed in this ordinance, so open burning would only be allowed by authorization under permit.

The concept was seen as for the good of the community, the issue was the concern with presenting it to the Board of Supervisors too soon when there are still too many "I don't know" answers. Hanft stated he could set the fees at \$5, the problem with that is it doesn't create enough money for us to even bring in a half-time person to help do that. It's kind of a catch 22, the fees the Board of Health will set. The Board of Supervisors will ask

how much will Marshall & Swift pay for their permit, Hanft can not say that yet, because he hasn't been in their facility to assess what it is they are going to do or what they have been doing; he doesn't know what kind of chemicals they use or their structure.

Hanft felt it would be really helpful to have someone sitting here who has been through it. He spoke of having Gary Young, who set this up for Polk County, come up to Cerro Gordo County. When questioned if Hanft was comfortable presenting this to the Board of Supervisors, Hanft stated he can promise there will be issues, when the time comes to meet with the Board of Supervisors that he does not have answers for. Knowing the businesses that are here are technically under the Clean Air Act requirements regardless of whether we've got an ordinance or not, our obligation is to create a local air program. He does not want the Board of Health or Cerro Gordo County Department of Public Health to look bad by pushing this forward, so he will bring this back before the Board as an action item. Dr. Johnson did ask for a motion, but none were offered.

Core Team Dialogue: The Core Team had no additional items to discuss.

Meeting adjourned at 1:44 pm. The next meeting is scheduled for Friday, March 12, 2010 at 12:15 pm.

Respectfully Submitted,

Barb Kellogg
Secretary