

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

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

Absent: Pat O'Brien-Galasso
Phil Dougherty

Staff: Ron Osterholm, Health Director
Dorene Christensen, MBA, Deputy Director, Finance & Administration
Brian Hanft, REHS, MPA, Environmental Health Service Manager
Karen Crimmings, RN, Disease Prevention and Investigation Service
Kara Vogelsson, Assistant Health Planner

Guests: Rita Dunn, Golden Grain Energy & Homeland Energy Solutions
Kris Buehner, Globe Gazette
David Bill, Curries & Graham Manufacturing
Lisa Heimer, Woodharbor Doors & Cabinetry
Todd Piper, Woodharbor Doors & Cabinetry

Service Award: Candy Schickel presented Linda Sauer with an award for 15 years of service.

Meeting was called to order at 12:48 pm.

Minutes: Motion by Kellogg, second by Schickel to approve the minutes of February 12, 2010 as distributed. Motion passed.

Air Quality Ordinance: Brian Hanft led discussion regarding the draft copy of the Air Quality Ordinance which he embellished upon and presented in PowerPoint. Hanft mentioned presenting it last night to the Farm Bureau. Hanft gave an overview of the Clean Air Act, regulations in Iowa and Cerro Gordo County, types of sources, the status of air quality in Cerro Gordo County today, public health and air quality co-mingling, and where we hope to go in Cerro Gordo County.

Hanft did receive a copy of Section 40 of the Code of Federal Regulations which is a book set of thousands and thousands of pages. Recognizing that this is a complex program, the goal of the presentation is not to provide an in-depth overview and explanation of air quality, but to explain how air quality impacts our daily lives and why Cerro Gordo County should provide oversight for air quality.

Hanft felt it important to recognize some of the historical significance of the Clean Air Act which was written into law. It is a law that defines the Environmental Protection Agencies (EPA) responsibilities for protecting and improving the nation's air quality in the stratospheric ozone layer. It was initiated in 1955 as the Air Pollution Control Act. In 1963, the Clean Air Act was enacted as the first federal legislation regarding air pollution. In 1967 the Clean Air Act was expanded. In 1970 the Clean Air Act was amended and created comprehensive federal and state regulations to limit emissions from stationary and mobile devices. May 2, 1971 the EPA was created to oversee the Clean Air Act. Amendments to the Clean Air Act were also made 1977 and 1990. The Department of Natural Resources (DNR) began regulating air quality in Iowa sometime around 1980. Polk County received their letter of acceptance in 1980.

Regulation of air quality in Iowa and in Cerro Gordo County now, the EPA is the federal agency responsible for administering the Clean Air Act; with the DNR overseeing the Clean Air Act as it is carried out. Locally, the regional DNR office investigates complaints and the University of Iowa Hygienic Lab handles air monitoring under contract with the DNR. They currently have 2 sites collecting air monitoring data. There are only two local programs in Iowa; Polk and Linn County. There have been no new local programs in more than 30 years; reason being rules, rules and more rules. The DNR does not promote the opportunity for local programs (ie local public health agencies) to provide over-sight. Locals have other priorities, meaning they are at 100% capacity, they have nothing defined and they have no plan like we do.

Regarding applicable Rules and Regulations, the Clean Air Act is 464 pages long; the Code of Federal Regulations is 32 volumes which offers rules and regulations based on science and appropriately justifiable; DNR rules and regulations are based on the Clean Air Act and Code of Federal Regulations Title 40; local rules, if implemented, will mirror the federal and state rules.

There are two types of sources; area sources and Title 5 sources. Area sources are smaller in stature in size; they receive less oversight, if any; regulations have recently been updated by the Clean Air Act to include more facilities; as a rule DNR regulates these; an application is required. Following the permit issuance there is no follow-up or inspection, thus it is more or less self-enforcement and regulation. The DNR is supposed to inspect every 5 years but it is not occurring for area source facilities. Examples of area source facilities in Cerro Gordo County and throughout the state of Iowa: concrete batch plants, printers, dry cleaners, metal fabrication, auto body shops, industrial sources, gas storage facilities, feed mill processors, generators, grain elevators and many others. Area sources

are regulated per the Clean Air Act; they are permitted by rule; the process is very simplified; minimal oversight; facilities are still 100% liable.

Title 5 facilities, called this as it references a certain section within the Code of Federal Regulations, are generally much larger facilities. These facilities are heavily regulated in Hanft's opinion; are inspected annually as well as annually receiving operating permits; and if they do any type of construction or adjustment in their facility processes, they have to submit construction permits for those. They are reviewed by the DNR, they have to be engineered, and the engineers have to sign off on them to give them the go ahead. Local examples include Holcim and Lehigh cement plants, Curries Manufacturing, Kraft Foods and Golden Grain Energy, etc. The list is fairly short in comparison to the number of area sources in our county.

As far as the status of air quality in Cerro Gordo County, currently the statewide program for area sources does not ensure compliance with the Clean Air Act requirements like a local program would. It does not ensure protection of the public health nor does it minimize liability to business and industry like a local air quality program would.

By way of motivation for a local program Hanft re-iterated what he explained to the Board in February, that air quality has been a Tier 2 priority on the department's strategic plan for the last three years. It has also been a long-term goal of the Health Director. Hanft feels it completes the environmental pyramid – that being air, land and water. If the program were implemented, we would have the opportunity to do some comparisons of air quality in how it relates to chronic illness. It could also provide data critical to public health program development and data to support future funding possibilities (ie grants).

Poor air quality impacts people in different ways. Particulate matter 2.5 has to do with the size of the particulate in 10's. Health affects from particular matter can affect heart, lungs, respiratory symptoms, infant mortality and low birth weight. Health affects from ozone irritate pathways, rapid onset and sensitive groups like children and those with asthma.

The goal is to initiate an outdoor air quality program that implements EPA regulations at the local level and enhances public health. Attainment would mean we meet the requirements for National Ambient Air Quality Standards (NAAQS) for our particular area.

Hanft broke it up into three phases: Phase One, 2010-2012, focusing solely on area source program; Phase Two, 2012-2014, focusing on air monitoring; and Phase Three, 2014-2016, get in to Title V program.

A letter of acceptance from the DNR would be required as well as a local ordinance in place. To obtain a letter of acceptance we also have to show we have a staffing plan in place to include training and education; we have to have a budget in place, funded by operating permits, application fees and federal pass-through funds as specified in the Clean Air Act. There is a cost sharing program that the federal government offers to local programs and with states, but it is very specific in the Clean Air Act rules, if a local program is established that they are to cost share that with those programs at a 3/5 match (or a 60/40 split) negotiated with DNR.

Iowa Code, Section 455B is very clear. It is felt that the Code of Iowa was written specifically for local programs to take on air quality. It is that direct. The DNR will work with local program to help establish programs that monitor air quality in their own jurisdiction. The Board of Health does clearly have authority to implement this sort of program under Iowa Code, Chapter 137.

The benefits for businesses include reduced liability by having our involvement. Local programs are easier to work with as well as serving as a buffer between state and federal agencies.

The benefits to the public include better air quality, reduced exposure to hazardous air pollution; they can become part of the process; better surveillance; press releases; data collection for future public health funding, etc.

Setting up the program to be fee supported, the intent is for no tax dollars to be directed toward the program. Cerro Gordo County would propose fees similar to Polk Counties which is self-supported through fees and federal match programs. Currently, more than \$400,000 in Title V permit fees paid by Cerro Gordo County companies that are sent to the DNR in Des Moines. Hanft knows that FTE allocations for Cerro Gordo County to do air quality here does not even equal one FTE, so where does that \$400,000 go?

Air quality is complicated; we are proposing to oversee the EPA regulations which are already in place. We will not be regulating agriculture, a point made last night with Farm Bureau.

Comments were received from guests following Hanft's presentation and were duly noted by the Board of Health.

Q: How does this accomplish better air quality and reduced hazardous air emissions? **A:** Right now it's not known if what's supposed to be regulated at each facility is even being met; do they have their filters in place; are they following proper protocol procedures. When doing air

quality, there is limited monitoring in this community at this point. A major goal through our strategic plan was to look at chronic conditions (childhood asthma, COPD, etc.) by setting up larger parameters and monitoring chronic disease through GIS mapping, then looking at particulates through GIS and administer a wind rows process to look at particle dispersion and how it relates to disease. We can look at that for our data purposes, not so much on industry, to see where our chronic conditions are as well as to expand type monitoring. Right now do we know how our air quality in Cerro Gordo is; there is limited but not complete information. We are looking at the complete picture of our air quality; current information is very vague and not very good. We would like to expand that scope of information for purposes of identifying health issues. If there is early indication that there is a problem, that can be fixed sooner than what the state may do but at the same time gives an overall comprehensive view of our air quality in whole on our general population.

Q: Knowing that a lot of fine particulate problems that the state experiences in certain areas (southeast and northeast Iowa) almost solely relate to mother nature, the air patterns and the low winds, etc.; monitoring is 100% seen as a good thing. Monitoring it, knowing what those levels are, what action could be taken? **A:** Looking at the levels, if it is naturally made like the last couple of cases have been, it's a case where no body can do anything about it but they could, and have only begun doing this year, put out early alerts to the public so someone with lung conditions, etc. can be alerted to stay indoors. We can make that alert. We can not fix it but at least we are not exposing the public to something formerly unknown about. It becomes a known and the message goes out to the public for them to take the necessary steps to avoid it.

Q: What kind of needs will be put on the county to take this initiative on as far as having the staff and the education that is involved, the expertise essentially taking over the DNR closed resources? We need to have these available. I would expect you as well to do a better job than what the DNR is doing today. **A:** It's kind of a catch 22, we know we're going to need staff. Somebody is going to need to be the expert. Hanft does not claim to be, he was charged with doing the research to put this program in place so we can get to that point where we can establish a fee structure that will not be overwhelming to business but yet provide us with enough support to leverage those federal dollars to bring in and bring in the body to get us started. Initially Hanft is looking at one person. We need to start small. That is where we clash with the DNR in the sense that is one sentence they'll say we need 2, 3 or 4 people and on the flipside they say we only need one. We'll have to work through those details with them, but initially we're thinking with an area source program that one person would be able to oversee. Many of Hanft's ideas are coming from consultations with Polk County. He asked them how many resources we needed, based on the

facility list shown them (250-300 facilities). With that we are going to permit them, inspect them, provide them service; in their opinion one person can do that. Regarding quality of personnel, we would look at the state skill requirements as well as Linn County, Polk County and those at the national level. We would put a job description together that would then equal those skill requirements needed; conduct a national search as we have with other positions and hire a person who meets those skill requirements. That does not mean we won't try accessing individuals who are already currently in programs with that working skill/knowledge as well. We have a very aggressive recruitment program within our department, within our budget; so we do recruit.

Q: What will this do to the DNR field office here in town, not so much with area sources but Title 5 sources? Will facilities get inspections from Cerro Gordo County, from the state office or the field office? Is this a possibility or will we take over for the field office? **A:** Title 5 facilities will not receive duplicate inspections or pay duplicate fees. From that standpoint, until we get involved with Title 5 facilities, when we take over, we will then serve as the point of contact and the DNR will only serve in the capacity of spot-checking. They would contact and accompany us during a routine inspection to see that we are inspecting according to their guidelines and requirements but facilities would then come to us. Hanft suggested, as he did to Farm Bureau last night, to call Polk County business contacts and question them regarding their inspection program and services they receive from Polk County. Hanft only speaks of Polk County as he does not know the group from Linn County but they also have a local air quality program. Ask them what they think, as they are playing the same bureaucracy of EPA, DNR and the locals. Hanft is aware that a main concern is adding another level of bureaucracy to the plate.

It is known when facilities are constructing within Polk County, it is sent to Polk County whereas Title 5 renewals are sent to the state. Hanft stated there are certain things the state has not relinquished to Polk County. The operating permits, their engineers review. The construction permits have not been relinquished by the DNR. Right now facilities have an inspection and spot checks. The inspection will be done here, the state will still do spot checks so it's not that there will be a change in things, but rather who does what; there will not be duplication.

Q: Will the fees be the same as the state fees or will we, as a local county, have the authority to be higher or lower? **A:** Local counties will have the ability under area sources to determine those fees. We do know, since we have an inspection program for food and swimming pools, that our cost to conduct those types of things is anywhere between 50%-63% of what the cost to the state is. Simply because of the way structures are on the sides

of things. Hanft hasn't even looked at Title 5 fees or what is currently being paid for them. He has solely focused on area sources for the last year. He can say if there are identified violations, is that the violations are much less, the violations will fall under the structure within the local health department rather than the EPA schedule of violation fees. Again, Hanft suggested checking with other businesses in Des Moines to see how those have worked out, they are significantly less. Osterholm guaranteed from our experience of taking a lot of state programs over; our cost to operate those programs at a better quality level or equal level has always, always, 100% of the time, cost less. Our response time to individuals is also much quicker. With restaurants, some of those are set state fees but the cost to do it is less so what is happening is, in Des Moines they have fees and then there are tax dollars that go into their program to supplement it. To get a response on a violation takes forever but when they do, a lot of times through administrative rules judge, etc. there are fines. With our case here we have never yet today ever had to use tax dollars for our food program. Our food inspection program has been in place since 1991. It's run off a depreciation account which is monitored. All the money goes in so it can't be buried in the general fund, can't bury it in a special fund, it is very transparent. The other case is we are quick to respond. A lot of times when we respond to an establishment, we help them fix the violation. We always have that 2% who don't want to comply and we have to shut down. We help the facilities correct the issues before they become a real problem. That is how we have operated the inspection program of which the operation of air quality would be the same way.

Motion by Kellogg, second by Schickel to table the Air Quality Ordinance. Dr. Johnson requested a workshop before it is presented to the Board of Health again for approval.

FY 10-11 Budget Amendment: Motion by Kellogg, second by Schickel to accept the FY 10-11 budget adjustment. Passed.

IDPH Performance Measure FY 10 Local Public Health Service Contract: Motion by Kellogg, second by Schickel.to accept the IDPH Performance Measure FY 10 Local Public Health Service Contract. Passed.

IDPH FY 10-11 Lead Grant Application: Motion by Kellogg, second by Schickel to accept the IDPH FY 10-11 Lead Grant Application. Passed.

Core Team Dialogue: The Core Team had no additional items to discuss. The Core Team adjourned at 2:00 pm.

Meeting adjourned at 2:00 pm. The next meeting is scheduled for Friday, April 9, 2010 at

12:15 pm.

Respectfully Submitted,

Barb Kellogg
Secretary