



Environmental Services

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TO: Ross Cunniff, Councilmember
FROM: Rich Fisher, Chair, Air Quality Advisory Board
CC: Darin Atteberry, City Manager
DATE: June 18, 2013

SUBJECT: AQAB Recommendation – Fugitive Dust Control Plan

In response to citizen complaints and observations, the Air Quality Advisory Board (AQAB) has reviewed and discussed fugitive dust impacts associated with public and private development, construction, and maintenance activities within the increasingly dense infill areas of the City. The Board appreciates and is encouraged by the level of knowledge and responsiveness of City staff to recent dust issues, but we have concluded that more needs to be done. The Board presents herein its observations and recommendations on this subject.

1. Fugitive dust is particulate matter that has become airborne directly or indirectly from sources other than from an exhaust stack.
2. Fugitive dust is a serious nuisance issue with potential health impacts for some individuals.
3. Fugitive dust impacts and complaints are likely to continue, resulting from the rebounding construction and development economy, private landowner activities, and ongoing City projects, all within the Fort Collins infill area.
4. Disturbance activities that emit dust are clearly the responsibility of the landowner and/or developer causing the problem, irrespective of the size of the project. We approach this issue under the “Golden Rule,” where everyone in Fort Collins has a responsibility to treat their neighbors as they would hope to be treated.
5. A number of effective best management practices exist that when properly applied can prevent or minimize fugitive dust emissions. Other municipalities and county governments in Colorado and elsewhere have incorporated these practices into regulations and have developed procedures to ensure enforcement.
6. Under our existing city, county, and state regulations, many significant dust sources in Fort Collins are not being effectively regulated. This can be attributed to a variety of shortcomings, including limitations on the City’s regulatory authority, the current high level of proof needed to enforce some provisions, and the lack of adequate enforcement resources at the County and State levels.
7. **The AQAB recommends** that Council direct staff to develop a comprehensive fugitive dust control plan including appropriate changes to City codes and ordinances. City staff can draw on examples from other jurisdictions to help develop a comprehensive and effective fugitive dust control approach.

8. Three broad dust source categories need to be addressed. Each may warrant a different and/or separate approach:
 - a. Permitted development projects;
 - b. Unpermitted sources (e.g., vacant lots, non-city utilities, open space, trespassing, agricultural, landscaping and associated maintenance); and
 - c. City activities (e.g., utility crews, capital projects, city contracts)

9. **The AQAB recommends** that the Council include fugitive dust control in its 2013-15 Work Plan and direct staff to immediately begin working on this issue. The AQAB is willing and able to review and provide recommendations to the approach developed by staff.

Please contact me at 970-481-7518 or rich.fisher@comcast.net for more information.