

## MINUTES

Eugene Toxics Board  
Fire Conference Room, Second Floor  
Eugene Emergency Services Center  
1705 W. 2nd Avenue, Eugene

January 15, 2010  
3:00 p.m.

**PRESENT:** Stephen Flanagan, Vice Chair; Maeve Sowles, Diana Bollenbaugh, Holly Jacobson, Cynthia Kokis, members; Glen Potter, Fire and Emergency Services staff; Jacob Phillips, guest.

**ABSENT:** David Doll, Chair; Elizabeth Weaver, member.

A quorum not yet being present, reviewed the board's mission, meeting schedule, and meeting locations for new members.

Mr. Flanagan and Ms. Kokis arrived at 3:10 p.m. Mr. Flanagan convened the meeting.

### **I. APPROVAL OF AGENDA/NEW ITEMS**

Ms. Kokis, seconded by Ms. Bollenbaugh, moved to approve the agenda as presented. The motion passed unanimously, 5:0.

### **II. PUBLIC COMMENT**

Ms. Kokis, speaking as a member of the public, noted that instruments that measure particulate matter were placed in several locations in the community. She asked if one could be located in the area near the new biofuel facility.

Ms. Bollenbaugh stated the Lane Regional Air Pollution Authority (LRAPA) was addressing that issue, noting that LRAPA generally met the last Tuesday of each month at noon.

Ms. Kokis, seconded by Ms. Johnson, moved that the Toxics Board suggest that LRAPA place monitors at the

biofuel facility.

Ms. Sowles stated that she was unprepared to vote because she did not have sufficient information on which to take a position on the issue.

Ms. Kokis amended the motion, which Ms. Johnson seconded, to direct a Toxics Board inquiry as to LRAPA's plans regarding the monitoring of air quality in the vicinity of the biofuel facility. The motion passed unanimously, 5:0.

### **III. INTRODUCTIONS/COMMENTS FROM NEW MEMBERS**

Ms. Kokis suggested that name cards for committee members would be helpful. Mr. Potter agreed to provide name cards for future meetings.

### **IV. APPROVAL OF MINUTES—May 6, 2009**

Ms. Kokis, seconded by Ms. Bollenbaugh, moved to approve the minutes of the May 6, 2009, meeting, as submitted. The motion passed unanimously, 5:0.

### **V. 2009 REPORTING/2010 BILLING**

Mr. Potter reported that he had previously notified reporting businesses that the reporting period was approaching. He had also notified businesses that the reporting software had been updated and would be available on-line in January 2010, and reports were due April 1, 2010. He also sent routine letters to reporting and fee-paying businesses requesting full-time equivalent (FTE) employee numbers for the 2009 calendar year, which he would use to calculate the 2010 fee per FTE; revenue from those fees would be used to operate the program for the upcoming fiscal year, which begins July 1, 2010.

Based on the information he had received to date, most businesses had fewer employees in 2009 than in the previous year. This meant that the fee per FTE would probably increase. Mr. Potter anticipated returning to the Toxics Board with a proposed rate for the board to review; the board would then have the opportunity to forward a recommendation to the City Council.

### **VI. DRAFT 2009 ANNUAL REPORT**

Mr. Potter provided the staff report. He said the charter amendment that created the toxics program required the board to submit an annual report to the City Council, draft copies of which had been provided to board members in the agenda packet for today's meeting.

In response to a question from Mr. Flanagan, Mr. Potter said he conducted the program audits. When the program began in the late 1990's, Mr. Potter visited all of the businesses participating in the program. Since that time, he had conducted desk audits on a three-year cycle unless problems were identified.

Mr. Potter stated that business owners had improved their reporting practices over the years, adding that the program had caused some manufacturers to dispose of some hazardous substances that were not being, and to become more rigorous in their inventory procedures. He noted there had been radical changes in output totals due to the closure of Hynix as illustrated on page three of the report included in the agenda packet.

Ms. Bollenbaugh noted the City was using the Standard Industrial Code (SIC) to classify businesses participating in the program, adding that the NAICS Code was currently the code accepted by more businesses. She asked if changing to the NAICS Code could be considered by the board.

Mr. Potter responded that the Toxics Right to Know program was enacted by the voters in the City in 1996 as amendment to the City of Eugene Charter, and it required determination by SIC. Because this provision was in the City Charter, only a vote of the people could change it. He suggested that if the voters are invited to revisit the Charter in the future, even on a housekeeping basis, changing to the more current and accurate NAICS classification system should be considered.

Ms. Bollenbaugh, seconded by Ms. Sowles, moved that the Toxics Board approve the report as submitted to the board. The motion passed unanimously, 5:0.

## **VII. REVIEW OF ROSTER, TERM EXPIRATION DATES, AND CHAIR ROTATION**

Mr. Potter stated the roster had been sent to board members for review and that corrections had been incorporated into the roster included in the agenda packet for today's meeting. One additional correction was noted.

Mr. Potter reviewed the chair rotation process. He said the City Council changed its cycle for appointing citizens to boards and commissions in 2009, with the new cycle beginning July 1, 2010, which matched the City's fiscal year. This meant term lengths for current Toxics Board members would be extended six months, as indicated on the

Toxics Board Roster, Updated January 2010. He said Dave Doll had agreed to continue as chair of the board through June 30, 2011, after which Mr. Flanagan would assume the duties of the board chair.

## **VIII. BUDGET**

Mr. Potter circulated a document entitled *City of Eugene—Estimated FY11 Budget for Toxics Program*. He reviewed the document and facilitated a discussion by board members. He said the board would need to adopt a recommendation for Council action at its February 2010 meeting. He explained the City Council would review the board's recommended fee and hold a public hearing on February 16, 2010. If the Council took no action that evening, it would have another opportunity to do so on February 22, 2010. Mr. Potter promised to advise board members of the Council's action.

## **IX. SCHEDULE NEXT MEETING/AGENDA ITEMS**

The next meeting was scheduled for February 4, 2010, at 4:00 p.m. in the Pete & Jerry Room at Fire Station 1, 13<sup>th</sup> & Willamette.

The meeting adjourned at 3:55 p.m.

*(Recorded by Linda Henry)*