

MINUTES

Eugene Toxics Board
Second Floor Conference Room
Fire & Emergency Medical Services
1705 West 2nd Avenue

August 31, 2006
3 p.m.

PRESENT: Douglas Brooke, Chair; Marylee Bowman, Vice Chair; John Jordan-Cascade, David Doll, Steve Johnson, Jennifer Gleason, Rue Ann Thomas, members; Glen Potter, Doug Perry, Fire & EMS staff; Ken Luse, guest.

As Mr. Brooke had not arrived, Ms. Bowman called the meeting to order.

I. Introductions

Those present introduced themselves. Mr. Potter introduced Doug Perry, Acting Fire Marshal. Mr. Potter explained that after Chief Tallon retired there were many reassignments, and Mr. Perry is Acting Fire Marshal until further notice. Mr. Perry invited the members to call him with any questions.

Mr. Brooke arrived and assumed the chair.

II. Approval of Agenda/New Items

Mr. Potter asked to add one item to Staff Report, to re-visit the policy on waste sold. With this addition, the agenda was approved.

III. Public Comment

Mr. Brooke asked for public comment. There was none.

IV. Approval of Minutes

Mr. Cascade asked if Andy Poynter had met with staff, as noted in the minutes. Mr. Potter said yes; his data had been integrated into the existing A&K report, which was audited and found

wanting. In addition, its response was late. Mr. Potter said that Mr. Poynter then planned to meet with A&K.

Ms. Bowman, seconded by Mr. Jordan-Cascade, moved to approve the Toxics Board minutes of May 4, 2006, as submitted. The motion passed unanimously, 7:0.

V. Staff Report

a. Audit Procedures/Letters/Enforcement

Mr. Potter noted a sample audit letter had been added to the agenda. He stated that he was requested by A&K to revise the audit letter to clarify the consequences of violating the charter amendment. He asked for feedback from the board.

Mr. Johnson suggested that a sentence regarding mandatory compliance be in bold typeface in the letter.

Ms. Gleason recommended adding that a late response was a violation of the charter amendment.

After some discussion, this wording was agreed on: "Failure to respond by this deadline is a violation of the reporting requirements of the charter amendment." This sentence will be added at the end of paragraph 2.

Mr. Jordan-Cascade proposed adding text to the mailing label stating that if the addressee was not there, the letter should be forwarded to the person responsible for environmental compliance. This would avoid the excuse that the letter was not received by the right person in a timely fashion.

Mr. Potter said that he now calls the person responsible at each company and tells them to expect the compliance letter.

Mr. Brooke said that he would still like to add something to the envelope that would get it to the person responsible for environmental compliance.

Mr. Potter offered to add "Attention Environmental Compliance Officer" to a corner of the envelope, which was acceptable to the board.

Ms. Thomas suggested that the wording of the last paragraph of the letter be changed from "asking" for a response to "your response is required." Mr. Potter agreed to make the change.

Mr. Brooke proposed adding a citation of the charter amendment to the end of the letter regarding the consequences of violation. After some discussion of the level of detail involved, it was agreed to just add the citation without specifics.

b. Policy on Waste That is Sold

Mr. Potter said that the board's policy has been that if waste was sold for any amount of money, it was to be reported as product. For example, scrap metal sold to Schnitzer's was listed in the product category. Mr. Potter felt this policy was questionable and that perhaps all waste – even if sold – should be reported as waste. He noted that it would be a more realistic report for the public if the policy was changed because these chemicals were not in the products that the public buys.

Mr. Brooke reported that Hynix sold post-process sulfuric acid to companies that make alum, and isopropyl alcohol that another company makes into products. He noted that when such waste products were sold, they were exempted from RCRA hazardous waste regulations. Confusion resulted when one set of regulations put waste in one category, and another set of regulations called it something else. When Hynix sold these products, they were not reported under RCRA as hazardous waste because they were sold as products.

After further discussion of waste categories, Mr. Potter again proposed reporting waste sold as waste, saying that it could be sub-categorized in subsequent discussions.

Ms. Gleason found in the minutes of the August 2005 meeting that the board had approved the new subcategory "Reuse/Recycle/Treatment" as a subcategory of Category 3.

Mr. Brooke handed out a copy of a letter put together for the May 17 voluntary subcategories subcommittee meeting, with his own comments on the other side.

After some discussion of the merits of moving waste sold from the product to the waste category, it was agreed to move waste to Category 3, with possible subcategories.

Mr. Johnson suggested that Mr. Brooke and Mr. Potter agree on what the categories should be and bring that recommendation back to the board for approval at the next meeting.

Mr. Potter noted another staff reporting item. In the first reporting year, 1998, companies were allowed to report products rather than chemicals, making much of the data for that year skewed or useless. He proposed getting rid of the 1998 data to achieve a better and cleaner record.

Mr. Johnson proposed alternatively that the 1998 data be kept, but set aside as an archive with an explanation of the variance, keeping it out of the trend data. He suggested that getting rid of it might violate the public record retention laws.

Mr. Potter agreed to work with programmer Steve Chipman and bring back a specific recommendation next month.

It was generally agreed that the preceding discussion resolved Item VII on the agenda.

VI. Newood Products – 2005 Annual Report

Reporting on the results of his research, Mr. Potter said that there was a precedent for allowing companies to report on the next business day when April 1 fell on a weekend. It was done the first or second year of reporting, without discussion or controversy. He has been holding the Newood fine in abeyance until the vote today.

Mr. Johnson, seconded by Ms. Gleason, moved to drop the fine. The motion carried 6:0, with Mr. Doll abstaining.

Mr. Johnson, seconded by Mr. Doll, moved that the board formally establish that, if April 1 fell on a weekend or holiday, reports be due the next business day, and that this policy be added to the handbook. The motion carried, 6:1.

The motion was opposed by Mr. Cascade, because there was now the option of email date-stamping.

VII. Voluntary Subcategories for Output Categories 3 and 8

This item was covered by the discussion in Item V.

VIII. Revision of Tracking Instructions

Mr. Potter recommended that the revised Tracking Instructions (aka handbook) be made available online, with printed copies being made available only as necessary. He encouraged the board to review the revisions online. He would send a letter out to the businesses this year that explained that the Tracking Instructions were online and identified the revisions and new provisions. Mr. Potter said he would bring the revisions to the next meeting for discussion and a possible vote.

Mr. Potter noted that a letter was sent out every year regarding changes to the Tracking Instructions, even if it was to say that there have been no changes.

IX. Next Meeting/Agenda Items

The Toxics Board agreed to tentatively schedule its next meeting for 3 p.m. on October 5, 2006. The meeting will convene in the Library, possibly in the Singer Room.

Mr. Potter reported that Mr. Johnson and Mr. Brooke had both agreed to reapply for board membership.

The meeting adjourned at 3:50 p.m.

(Recorded by Bernie Burson)

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