

## MINUTES

Eugene Toxics Board  
Singer Room—Eugene Public Library

January 13, 2005  
3 p.m.

**PRESENT:** David Monk, Chair; Douglas Brooke, Clyde Carson, Dave Doll, Jennifer Gleason, Marylee Bowman, Steve Johnson, Members; Glen Potter, Staff; Terry Connolly, Eugene Chamber of Commerce; Andy Poynter, Ken Luse, guests.

### I. APPROVAL OF AGENDA/NEW ITEMS

Mr. Monk convened the meeting at 3:15 pm. There were no changes to the agenda.

### II. PUBLIC COMMENT

**Terry Connolly**, Eugene Chamber of Commerce, asked about hotels/motels that had swimming pools, and whether, under the proposed new ordinance, they would need to account for all hazardous chemicals used in their operations in order to determine whether they met the 2,640-pound reporting threshold. He said clarification would be appreciated in the future.

### III. APPROVAL OF NOVEMBER 17, 2004, MINUTES

Mr. Carson, referring to paragraph 6 on page 2 of the minutes, clarified his meaning by saying that a clear distinction needed to be set up between “charter-mandated” and “non-charter-mandated”.

In the following paragraph, Ms. Gleason requested that the words “respond to the draft” be changed to “address the inequities”.

In the paragraph after that, Mr. Carson requested that the first occurrence of the word “businesses” be replaced with the word “activities”.

Mr. Johnson, seconded by Mr. Carson, moved to approve the minutes of November 17, 2004 as amended. The motion passed unanimously.

#### **IV. STAFF REPORT**

- **Council Action on Fee Cap Recommendations**

Mr. Potter reported that on January 10, the City Council agreed to hold a public hearing on February 14 regarding the proposed ordinance adding businesses to the program. Council also reaffirmed its direction to seek a legislative repeal of the fee cap. There was little discussion of the proposal to impose a surcharge on commercial solid waste hauling fees, which did not move forward.

Mr. Carson raised concern that the work going towards passage of the ordinance was taking away staff time from the program. He acknowledged that the ordinance would have an effect on the Toxics Program but reiterated his concern that existing fees were funding the expansion of the program.

Mr. Carson said there were a lot of questions about the proposed ordinance that had not yet been answered. He said the charter language did not make any reference to specific business activities and surmised that companies that operated swimming pools would have to report all of their chemicals.

In response to a question from Mr. Carson regarding whether the ordinance was in its final form, Mr. Potter said it was in the form that would be reviewed by the City Council and discussed at the public hearing.

Mr. Carson said it would be hard for a company to know in advance whether it would be reporting or just paying a fee. He raised concern that more was being spent in fees than what was being returned in subsidies.

Mr. Johnson said he was not convinced that there was an overwhelming cost burden for the ordinance. He added that most companies had very restricted chemical lists. He said the City Council could put the matter under the jurisdiction of the Toxics Board.

Mr. Carson raised concern that the ordinance was incurring costs on a group that had no representation on the board. Mr. Johnson said it was not a requirement to have representation on a board to enforce a City law. He said it would be an easy matter to change the charter to add more representation.

Ms. Gleason noted that people could attend meetings and the board would be willing to listen to them.

Mr. Potter suggested that fees could actually rise after the ordinance was passed by the Council. He said additional program administration costs were another unknown in the equation.

Mr. Carson said the ordinance was not about helping small businesses with fees but was rather about expanding the program to cover more businesses.

Mr. Brooke agreed that business representatives could attend meetings and talk to the board.

Mr. Monk said he had heard a lot of council support for expanding the program to cover more businesses whether they were manufacturers or not. He said there was no support for the 50-cent surcharge.

Mr. Johnson said the only way that the ordinance would work would be if the newly covered businesses communicated effectively with the board.

Mr. Carson expressed his belief that the public were also hazardous substance users as well as businesses and opined that everyone should pay a fee.

Mr. Potter said he wanted to do as much research as possible to be able to answer questions. He said he would not hire a temporary staff member for that work but said he would consider that if the ordinance were passed by the City Council and if such additional help were then required.

- **2004 Reporting**

Mr. Potter said he was waiting for the online reporting software so he could send it out.

- **2005 Billing**

Mr. Potter said he had sent out the FTE reporting form letters to the participating businesses. He said billing would be delayed if the council moved forward with the ordinance. He said if the ordinance were approved it would take some time to organize billing.

- **Revised Roster**

Mr. Potter encouraged members to notify him of any changes to the roster.

Mr. Monk noted that he would be changing his e-mail address in the near future and said he would notify the members when this took place. Ms. Gleason added that her telephone extension is 15.

## **V. 2004 ANNUAL PROGRAM REPORT**

Mr. Potter said the report was similar to what had been submitted in years past, except that the state-imposed fee cap and its effects were emphasized in the report for 2004. Mr. Potter suggested updated language referring to the City Council's current activities regarding the cap.

In response to a question from Ms. Gleason regarding how to differentiate between website hits by computers and from real people, Mr. Potter noted that the board had rejected a proposal requiring users to log in, and so this problem remained.

Ms. Gleason, seconded by Mr. Carson, moved to approve the 2004 Annual Report with the new language suggested by staff. The motion passed unanimously.

## **VI. NEXT MEETING**

The next meeting was scheduled for March 8, 2005, at 3 p.m., in the Fire Conference Room at the 2<sup>nd</sup> Avenue and Chambers Street location.

The meeting adjourned at 4:30 pm.  
(Recorded by Joe Sams)