

MINUTES

Eugene Toxics Board
Fire Conference Room—Eugene Emergency Services Center
2nd & Chambers—Eugene, Oregon

August 9, 2005
3 p.m.

PRESENT: David Monk, Chair; Jennifer Gleason, Steve Johnson, Marylee Bowman, Clyde Carson, Douglas Brooke, Dave Doll, members; Glen Potter, staff; Terry Connolly, Eugene Chamber of Commerce; Marianne Fitzgerald, Dave Belyea, Oregon Department of Environmental Quality; Max Hueftle, Merlin Huff, Lane Regional Air Pollution Agency.

Mr. Monk called the meeting to order.

I. Approval of Agenda/New Items

Mr. Monk switched the order of items IV (Possible Voluntary Subcategories for Output Categories 3 and 8) and V (Further Response to City Council Direction) to accommodate the board's guests.

II. Public Comment

There was no public comment.

III. Approval of Minutes

Mr. Carson referred to paragraph 6 on page 6 of the June 28, 2005, minutes, and clarified that he had intended to say that he did not think anything *not* involved with petroleum products would be considered further in the board's deliberations responding to the direction given by the City Council.

Mr. Carson referred to paragraph 2 on page 8 of the minutes and asked that the sentence that comprised the paragraph be revised to conclude: “. . . and to remove language applying unreasonable standards of accuracy to estimates.”

Ms. Bowman, seconded by Mr. Doll, moved to accept the amended minutes of June 28, 2005. The motion passed unanimously, Ms. Gleason abstaining from the vote as she had not been present at the meeting.

The board briefly discussed the issue of auto shops' use of chemicals and agreed to schedule further discussion of this at the next meeting. Mr. Johnson suggested that Mr. Potter ask auto shops about their use and the quantities such businesses purchased.

IV. Further Response to City Council Direction

The board was joined by Ms. Fitzgerald, Mr. Hueflte, and Mr. Belyea. Mr. Monk reminded the board that the City Council had charged it with determining what types of businesses might be appropriate to add to the program. For that reason, the board was looking into petroleum product distributors and gasoline vendors and the issue of releases.

Ms. Fitzgerald provided the board with copies of a diagram showing typical Stage I and Stage II vapor recovery systems. She clarified that the Stage I systems controlled vapor loss between a tanker truck and a bulk storage facility. Stage II systems controlled vapor loss between an underground gasoline tank and a car. Ms. Fitzgerald explained that Stage I systems were required in three areas in Oregon: 1) the Portland-Vancouver Air Quality Maintenance Area (AQMA), 2) the Salem Area Transportation Study Area, and 3) the Medford-Ashland AQMA. Stage II systems were required in the Portland area (Multnomah, Clackamas, and Washington counties) only. Ms. Fitzgerald noted that as of 2001, federal rules required all newly manufactured motor vehicles to be equipped with onboard refueling vapor recovery (ORVR) systems, which will mean that Stage II controls will eventually be phased out as unnecessary.

Ms. Fitzgerald emphasized that the effectiveness of such systems depended on their proper use, and distributed copies of a booklet entitled *How-to Book of Vapor Recovery* to board members.

Responding to a question from Mr. Johnson regarding how much in emissions was lost in the area in Lane County, Mr. Hueftle reviewed a spreadsheet that showed 1) Lane County Gasoline Station Emissions Estimate; 2) Volatile Organic Compound (VOC) Emissions; 3) Hazardous Air Pollutants (HAPs) as a Percent of VOC Emissions Without Stage I Controls; and 4) HAPs as a Percent of VOC Emissions With Stage I Controls. The data indicated the emissions level approached 1.4 million pounds of VOCs in 2002.

Responding to a question from Mr. Potter, Mr. Hueftle clarified that many stations and tankers in Lane County had Stage I capabilities but did not use them because they take additional time to use and are not required. Mr. Belyea added that more than half of Lane County stations were equipped with Stage I controls. He noted that newer stations had Stage I controls because of the way their venting systems were set up. Many stations, such as local 76 stations, were using Stage I controls as a matter of policy. It was a voluntary program in Oregon with the exception of those areas mentioned earlier.

Mr. Monk asked if such systems would eventually pay for themselves through the recovery of fuel that would otherwise be lost in vapor form. Mr. Hueftle said that research indicated such controls more than paid for themselves. He did not know the payback period.

In response to a question from Mr. Monk, Mr. Hueftle said that gas stations do not report to the

Lane Regional Air Pollution Agency (LRAPA) as the agency has no permitting requirements for those businesses.

Mr. Monk determined from Mr. Belyea that there were 43 retail gas stations in Eugene, including card lock facilities. Businesses such as United Parcel Service, Williams Bakery, and institutions such as the University of Oregon and Sacred Heart Hospital also had another 28 underground gas or diesel tanks.

Ms. Gleason asked if the Department of Environmental Quality (DEQ) staff would find it helpful if the Toxics Board collected data on emissions from underground tanks in Eugene. Mr. Belyea said no, given that the DEQ had no regulatory authority over such facilities. Mr. Potter asked if the same was true of LRAPA. Mr. Hueftle deferred the question to Mr. Huff, who had not arrived.

Mr. Monk asked if the DEQ knew which Eugene stations had Stage I controls. Mr. Belyea said no, as there was no requirement for such controls in Eugene. He reiterated that anecdotally, about half the stations had such controls. Most stations in Lane County lacking such controls were in the rural areas.

Ms. Gleason questioned whether the board could assess a fee against stations on the basis of whether they had Stage I or II controls, using a percentage of automobiles projected over time as a multiplication factor.

Mr. Potter questioned whether the HAPs or VOCs being released due to gasoline emissions contained reportable substances under the Right-to-Know Program. Board members briefly discussed the question. Mr. Carson suggested the answer depended on the primary constituent. Mr. Doll asked if the substances were flammable. Mr. Johnson believed gasoline itself would be reportable due to its flammability. Mr. Potter asked if the board would require dealers and distributors to report gasoline or its constituent components. The board briefly discussed the characteristics of gasoline.

Mr. Monk questioned the effectiveness of Stage I and II controls in the tri-county area in regard to air quality. Ms. Fitzgerald indicated that the area was able to attain its air quality standards and had experienced only one exceedence of the standard and no violations since 1998.

Mr. Potter questioned who the board would apply a local ordinance to, if the tanks in question were both above-ground and below-ground, and if distributors and gas stations would be included. Ms. Fitzgerald suggested the board could refer to gasoline dispensing facilities and delivery vessels.

Mr. Brooke suggested that the board eliminate emergency power generators from further consideration. Mr. Monk recommended that the board take diesel tanks off the table as well given the relatively low volumes distributed.

Mr. Hueftle suggested the board could use its program as an incentive for the use of Stage I controls. Mr. Johnson questioned whether the program's fee would be sufficient incentive for

that. Mr. Potter believed there was a public relations aspect to the issue that gasoline stations might be sensitive to.

Mr. Brooke questioned how confident Mr. Hueftle was in the spreadsheet. Mr. Hueftle said that it was the best information that LRAPA had. Mr. Brooks questioned what the board would be adding to the body of knowledge available by requiring gas stations to report. Mr. Potter suggested the board would be adding the relative volume of sales for each station to its body of knowledge. Mr. Johnson believed the impacts of Stage I and II controls on gas stations would be revealed as well. Ms. Gleason believed that the information would become “part of the big picture that we have been able to draw.” She wanted to see the information reported.

Mr. Brooke asked how the board could justify adding gas stations to the list of those who must report without adding those entities that sell consumer products containing similar constituents, such as Costco and Jerry’s. Ms. Gleason suggested the issue to consider was the release at the site. Mr. Johnson agreed.

Mr. Huff arrived at the meeting.

Mr. Carson pointed to the City Council’s direction, which was for the board to identify companies with certain releases over a reportable quantity. He suggested that the information provided by LRAPA was sufficient for community knowledge. He acknowledged that inclusion in the program could cause a gas station to change certain business practices, which in itself could be a good thing given the releases involved.

Mr. Fitzgerald noted that LRAPA had an ecological business certification program and a couple of auto body shops had been certified under the program, which identified best practices for such businesses. She circulated copies of a booklet entitled *Air Quality and Land Use Handbook: A Community Health Perspective*, which was produced in California.

Mr. Johnson left the meeting.

Mr. Brooke recommended that the board defer further discussion on the topic until the next meeting. He thanked the guests for the information they provided. He requested that the board invite a speaker from the Occupational Health and Safety Administration to discuss the relative toxicity of gasoline emissions in the work place. Mr. Potter pointed out that the program did not address relative toxicity, only federally listed substances. Mr. Brooke maintained the board was getting into new territory. It had been asked by the council to consider program changes, so he believed the board needed to consider the issue.

Mr. Monk was not opposed to Mr. Brooke’s request. He believed there was considerable information available on the toxicity of gasoline vapors. He said that OSHA may have information about the impacts of long-term exposure to gasoline vapors.

Ms. Gleason said the charter amendment that led to the program’s establishment was about getting information about toxic chemicals being released into the community. She did not see why the board would consider relative toxicity in regard to gas stations when it did not do so for

manufacturers. Mr. Brooke pointed out the board was acting outside the parameters of the charter amendment. Mr. Gleason argued that the general idea was to get information about toxic chemicals that could damage human health; if gas stations reported, that would add to the body of knowledge.

Mr. Carson observed that his firm's position had always been that the program's reporting thresholds were too low and much of what was being reported about had very little to do with public health and safety. He supported Mr. Brooke's request as he believed that the addition of businesses by ordinance constituted a whole new, separate right-to-know program that must meet the requirements of State law. State law establishes certain standards for community right-to-know programs, one of which is that a proposed program must be based on a threat to public health and safety. He believed the board would have to address that issue. He supported Mr. Brooke's request for the sake of board education.

Responding to a question from Ms. Gleason regarding the applicability of State law to the board's actions, Mr. Potter said he did not know if House Bill 2431 would apply to an ordinance. Mr. Carson said that City Attorney Kathryn Brotherton had suggested the ordinance could constitute a new program that could trigger the State standards.

Mr. Brooke emphasized his concern was the quality of the information gathered and its benefit to residents.

Mr. Monk also thanked the guests for their information.

The board deferred further discussion until the following meeting. Mr. Brooke reminded the board of the need to give upfront notice to businesses of any potential ordinance.

V. Possible Voluntary Subcategories for Output Categories 3 and 8

The board briefly reviewed the subcommittee recommendations for the subcategories for output categories 3 and 8. Subcategory 3 was Reuse/Recycle/Treatment; Subcategory 8 was Treated On-site. The board accepted the recommendations. In response to a question from Mr. Monk, Mr. Potter agreed to find out whether the recommendations needed to be forwarded to the City Council for approval, noting that the subcategories were voluntary on the part of those reporting. Mr. Potter also agreed to investigate the most efficient means of accomplishing the intent of the recommendations.

VI. Schedule Next Meeting/Agenda Items

The board scheduled its next meeting for September 20, 2005, at 3 p.m. at the Eugene Public Library. Members agreed that Mr. Potter would seek additional information from body shop operators about their chemical use.

Mr. Monk adjourned the meeting at 4:42 p.m.

(Recorded by Kimberly Young)