

MINUTES

Eugene Toxics Board
Fire Conference Room—Eugene Emergency Services Center
1705 West 2nd Avenue

October 20, 2005
3 p.m.

PRESENT: David Monk, Chair; Jennifer Gleason, Clyde Carson, Douglas Brooke, David Doll, Marylee Bowman, members; Glen Potter, staff; Kathryn Brotherton, City Attorney; Terry Connelly, Eugene Chamber of Commerce; Ken Lewis, businessman; John Jordan-Cascade, RueAnn Thomas, applicants for Toxics Board membership

ABSENT: Steve Johnson, member.

Mr. Monk called the meeting to order.

I. Introductions

Those present introduced themselves.

II. Approval of Agenda/New Items

Mr. Potter added a third report to item IV, Staff Report, “A & K Audit.”

III. Public Comment

Terry Connelly, representing the Eugene Area Chamber of Commerce, thanked Mr. Monk and Mr. Carson for their service on the Toxics Board.

IV. Approval of Minutes

Mr. Carson provided the following correction to page 2, paragraph 2:

- “Mr. Carson added that the question was whether a program established by ordinance was an expansion of the existing program. He said *opined that* the council could add to the list of those reporting unless it violated the State preemption *as a separate program.*”

Mr. Carson, seconded by Ms. Bowman, moved to approve the minutes as amended. The motion passed unanimously.

V. Staff Report

Mr. Potter distributed copies of his report on AutoCraft, the largest of area auto body shops. He concluded that it did not appear that body shops fit the requirements set forth by the City Council.

Mr. Potter noted that Mr. Jordan-Cascade and Ms. Thomas had applied to be members of the Toxics Board and the City Council would act on those applications on Monday, October 24.

Regarding the A&K Audit, Mr. Potter reported that he had sent an official letter of non-compliance and had received a response. He related that he had spoken with the company's consultant, Andy Poynter, and Mr. Poynter had indicated that he had been working "way more than full-time" on the Fern Ridge Dam project and had been very busy.

VI. Further Response to Council Direction

Mr. Monk observed that it appeared that gas stations did meet the hazardous substance usage threshold for reporting. He asked what the group thought in terms of fulfilling its obligation to the City Council.

Mr. Potter stated that gasoline distributors were still on the table as well. He reminded the board that the council had asked for a list of businesses that met the threshold, a financial impact estimate, and a report on possibly streamlining environmental reporting requirements.

Mr. Monk asked what the revenue and expenses would be from inclusion of gas stations. Mr. Potter anticipated that it would be a "wash." He thought, given the number of gas stations that would be reporting, the added staff time would probably absorb any additional income.

Mr. Monk suggested proposing to the council that, given that the Lane Regional Air Pollution Authority (LRAPA) was in the middle of its strategic planning, opportunities could arise through that process to provide software that would help reporting. He thought the Toxics Board, LRAPA, and the Department of Environmental Quality (DEQ) could coordinate that at a later date.

Mr. Potter stated that some businesses were using Excel spreadsheets. He felt that ways to make reporting easier were already in use.

Mr. Brooke remarked that he would be reluctant to make a recommendation to the City Council regarding streamlining at this time.

Mr. Carson said streamlining would have to come from State and Federal law. He said it was very difficult at the local level to influence federal laws.

Mr. Brooke underscored that he did not mean to demean the potential of streamlining, he merely thought the complexities would be overwhelming.

Mr. Potter remarked that it had been said that once one had completed the Toxics Report, all other reporting seemed simple. He asked Mr. Brooke and Mr. Carson to comment on this.

Mr. Brooke agreed with this assessment. He noted that some information did cross over. Mr. Carson concurred, adding that the Toxics Report used different definitions from those used in other programs.

Mr. Brooke listed the various reports that he was required to file: the TRI report, the TRK report, the State Fire Marshal's report, one with the DEQ, and one for LRAPA. He said some of the reports dealt with specifics and some dealt more with generalities.

Ms. Gleason said it seemed fair to say that this report was not a subset of any other report. She did not think the City could take on anything that would streamline reporting. She felt it would be a bigger issue between agencies that the Toxics Board had nothing to say about.

Mr. Potter related that it was suggested in 1998 that the Toxics Right-to-Know Program combine with the City's HazMat permitting program and the City Fire Marshal, who oversees both, was opposed. He said he would mention this in the board's report to the City Council, should the board desire.

Ms. Gleason wondered if it would be possible to make one software program that would produce two reports.

Mr. Monk asked if it would be fair to say that streamlining was an issue that the Toxics Board could not resolve.

The board agreed that this was a fair assessment.

Mr. Monk asked Mr. Potter to convey this to the council.

Mr. Potter noted that each gas station likely did not meet the existing full-time equivalent (FTE) employee requirement, so the City Council, if it were to proceed, would need to consider a lower threshold for gas stations. He did not think he would have to hire extra help to handle the increased work load.

Ms. Gleason asked if this change would also cause substantial changes to the handbook. Mr. Potter affirmed that it would cause some changes. Ms. Gleason observed that this would also cause the Web site to need modification.

Mr. Monk asked if Mr. Potter could estimate the fee reduction that inclusion of gas stations would provide to the existing reporters. Mr. Potter responded that there would probably not be any fee reduction, given the small total number of FTEs that gas stations would add to the existing pool of approximately 6,000.

Mr. Monk wondered if this was enough of an issue to suggest that gas stations not be identified as a group that should report.

Mr. Carson asked if the FTE requirement would affect the reporting requirement. Mr. Potter wondered if the board should let the council know that the gas stations do not meet the FTE threshold and that this would have to be addressed should the council wish to add them to the list.

Mr. Carson wished to add some kind of clarification that the Toxics Board met the intent of the City Council's direction in the upcoming report but that the report in no way represented a recommendation. He believed the information (regarding gasoline) was already being provided to LRAPA and adding to the City's list would not add to the body of knowledge available to the community.

Ms. Gleason was amenable to neutral language, but did not wish to present arguments in favor or in opposition. She suggested that in responding to the council's direction the board should say that they reviewed the list of possible businesses that could be required to report and found only one type of business that met the criteria that the council laid out.

Ms. Bowman did not think the businesses even met the criteria given that they did not meet the employee threshold. Ms. Gleason quoted from the resolution and concluded that this was not one of the points that the council wished to consider.

Regarding gasoline distributors, Mr. Monk pointed out that deliveries occur both within and outside of the Eugene city limits. Mr. Brooke added that this had been discussed, and testimony had indicated that distributors' products would be double-counted if sold in the City of Eugene.

Mr. Potter said that there was probably a limited amount of double-counting occurring already.

Mr. Monk asked if there were any objections to voting on the list at the present meeting and discussing the other issues at the next meeting.

Ms. Gleason indicated that she would like to see the language and then approve it. She felt that there was agreement on the list.

Mr. Monk asked if the information could be presented at the next meeting in the form of a report. Mr. Brooke suggested that the report include the number of stations, the revenue reporting would bring in, the time Mr. Potter expected to spend compiling the information, and the ensuing cost.

Mr. Monk surmised that the board would vote after reviewing the draft report.

Mr. Potter stated that the report would list all of the other types of businesses that had been considered and why they did not meet the threshold requirements.

Mr. Brooke reiterated that there was group agreement that a method of streamlining the reporting process was out of the board's hands.

Mr. Monk asked if there were any other large entities, such as the University of Oregon, that might meet reporting thresholds. He suggested that Mr. Potter review the list of larger entities

provided by the DEQ and determine whether any of them belonged on the list.

Ms. Brotherton asked if the University already voluntarily reported. Mr. Potter said it did not.

Ms. Gleason noted that the City voluntarily reported.

Mr. Monk asked that the draft report be provided to board members prior to the meeting so that all would have a chance to review it thoroughly.

VII. Schedule Next Meeting/Agenda Items

The board scheduled its next meeting for November 15 at 3 p.m. at the Eugene Public Library. Mr. Potter said he would check on the availability of the Singer Room.

Mr. Potter asked departing members, Mr. Carson and Mr. Monk, to say a few parting words.

Mr. Carson said it had been fun “most of the time.” He expressed appreciation for the different points of view brought to the table. He related that he had gotten to know some people on the environmentalist side and grown to understand that they were principled people. He said he had enjoyed working with the different group members and with Mr. Potter.

Mr. Monk echoed Mr. Carson’s sentiments. He thought a lot of respect was accorded to people with differing views. He added that it was sometimes too easy to assume what people were going to do. He felt the group made sure that everyone’s opinion was heard. He thanked Mr. Potter for helping the group to keep the discussion at a level that allowed the group to work together.

Mr. Potter conveyed the City’s appreciation for Mr. Monk and Mr. Carson’s service. He said it had been a privilege to work with both of them.

Mr. Monk adjourned the meeting at 3:55 p.m. Everyone had refreshments in Mr. Monk and Mr. Carson’s honor.

(Recorded by Ruth Atcherson)

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