

MINUTES

Eugene Toxics Board
Fire Conference Room
1705 West 2nd Avenue, Eugene

May 20, 2004
2 p.m.

PRESENT: Marylee Bowman, Chair; Brian Allen, Clyde Carson, Jennifer Gleason, Paula Holloway, Steve Johnson, David Monk, members; Glen Potter, Greg Musil, Fire & Emergency Medical Services; Kathryn Brotherton, City Attorney; Terry Connolly, Bob Cassidy, guests.

I. Approval of Agenda/New Items

Ms. Bowman called for changes or additions to the agenda. There were none.

II. Public Comment

Bob Cassidy introduced himself and stated that he was not representing any group. He explained his understanding, based on the City Charter, of the approval process for new ordinances proposing changes to the Toxics Right-to-Know Program.

Mr. Cassidy left the meeting at 2:08 p.m.

III. Approval of April 29, 2004, Minutes

Ms. Gleason requested that the sixth full paragraph on page 2 be changed to read, "Ms. Gleason suggested that the board examine a list of businesses from the City currently required to report to the state or local Fire Marshal as a step toward identifying types of businesses to consider adding to the Toxics Program." There was no objection. Noting no further changes, Ms. Bowman deemed the minutes approved as corrected.

IV. Staff Report

Mr. Potter reported on 2004 invoices. He said that there were 14 unpaid invoices as of a week ago, and this was probably down to approximately 10 by today. He noted that traditionally, there were only 2 or 3 unpaid invoices at this point in the fiscal year, and that the increase was most likely due to the increased fees. He added that there was sufficient revenue to operate the program, and he expected that all invoices ultimately would be paid.

In response to a question from Mr. Monk, Mr. Potter explained the cost recovery process for outstanding invoices. He said that after six months, the City begins charging 1.5 percent interest per month on unpaid balances. He noted that all bills had been paid within the fiscal year in the past.

Mr. Potter introduced Greg Musil, Deputy Fire Marshal, who managed the Eugene Hazardous Materials (HazMat) program.

V. Response to City Council Request

Ms. Bowman referred to the City ordinances related to the Toxics Program included in the agenda packet.

Mr. Monk said he had discussed equitable funding mechanisms with the Lane Regional Air Pollution Authority (LRAPA) and had identified some businesses that were not currently part of the program.

- Eugene HazMat Permit Program

Mr. Musil said he was present to respond to questions from the board. He said that the HazMat Permit Program started in 1990 or 1991 to enforce a newly created section of the Fire Code that regulated hazardous materials. He stated that Article 80 of the Uniform Fire Code regulated storage, use and amount of chemicals that could be stored in a building. He referred to HazMat Permit Program information included in the agenda packet that provided information on hazardous materials categories and permit quantities; the fee schedule for hazardous materials permits; and the electronic HazMat facility list. He explained the duties and responsibilities of the HazMat staff. Mr. Musil said permit fees generated approximately \$118,000 annually that provided funding for staff and training.

In response to a question from Ms. Holloway, Mr. Musil explained that new facilities were identified in several ways, including through the State Fire Marshal and by reviewing new building permits. He said the City program differed from the State program, in that the State Fire Marshal did not conduct inspections, nor respond to complaints.

In response to a question from Mr. Johnson, Mr. Musil confirmed that permits were not required for underground storage tanks of flammable substances, citing gas stations as an example.

Referring to the minutes from the April 29, 2004, meeting, Mr. Monk noted that gas stations were not required to have catchment devices when off-loading from trucks to storage tanks, although they emitted toxic fumes. Responding to a question from Mr.

Monk, Ms. Brotherton said the analysis had not been done to determine if gas stations could be required to be under the jurisdiction of the Toxics Program.

In response to a question from Ms. Gleason, Mr. Musil said all of the information reported was public information available at the City of Eugene and State Fire Marshals' offices.

Mr. Musil left the meeting at 2:35 p.m.

- Budget

Mr. Potter referred to the budget detail document in the agenda packet, and noted that the budget projection indicated there was a projected shortfall of approximately \$5,900 for the current fiscal year. The board discussed various strategies for reducing the fees paid by individual businesses, and the risks and legal issues related to such changes, and brainstormed ideas for changes to the program.

Four proposals were discussed:

- Proposal A – Companies participating in the Eugene HazMat program would have a surcharge (possibly \$50) added to their HazMat fees, regardless of whether or not they report to the Toxics Program.
- Proposal B – Require any hazardous substance user to report and pay a fee, without regard to SIC code or FTE level. Exempt retailers. Repeal existing provisions requiring businesses not required to report to pay a fee.
- Proposal C – Same as Proposal B, except that some or all businesses not required to report would still be required to pay a fee. Could be done by, in effect, eliminating or amending the SIC code restrictions and/or the FTE threshold.
- Proposal D – Add selected SIC codes to the program.

Ms. Brotherton agreed to prepare, in time for board review prior to the next meeting, a legal opinion regarding the potential viability of the proposals, and, if viable, draft ordinances that would carry them out.

VI. Schedule Next Meeting/Agenda Items

The timeline for submitting the proposed ordinance changes to the City Council was discussed.

The next meeting was scheduled for Thursday, August 26, 2004, at 2:00 p.m. at the Eugene Public Library.

Mr. Monk, seconded by Mr. Johnson, moved that the Toxics Board recommend to the City Council that the City of Eugene take a position and lobby in favor of repeal of the \$2,000 fee cap during

the next legislative session. The motion passed 4:2:1, with Mr. Carson and Mr. Allen opposed, and Ms. Holloway abstaining.

The meeting adjourned at 3:45 p.m.

(Recorded by Linda Henry)