

MINUTES

Eugene Toxics Board
Eugene Public Library – Cone Room
100 West 10th Avenue, Eugene, Oregon

October 14, 2004
2 p.m.

PRESENT: Marylee Bowman, Chair; Jennifer Gleason, Brian Allen, David Monk, Paula Holloway, Steve Johnson, Clyde Carson, members; Glen Potter, staff; Kathryn Brotherton, City Attorney's Office; Ken Luse, Doug Brooke, guests.

I. Approval of Agenda/New Items

Ms. Bowman called the meeting of the Eugene Toxics Board to order. She determined there was no objection to the order of the agenda, and members had no new items they wished to add.

II. Public Comment

There was no one who wished to comment.

III. Approval of Minutes of August 26 and September 15, 2004

Ms. Bowman corrected the last sentence of paragraph 1, page 2 of the August 26, 2004 minutes to read: "He said it was a burden to the plant to pay a fee for a solvent tank that had nothing to do with manufacturing."

Ms. Bowman corrected paragraph 5, page 2 of the August 26, 2004 minutes to read: "Mr. Whittier said the function of the facility was sawing."

Ms. Holloway corrected the last sentence in paragraph 7, page 3 of the August 26, 2004 minutes to read: "For these reasons, he asked that the board release the City from reporting pesticides."

Mr. Johnson arrived at 2:10 p.m.

Ms. Holloway corrected paragraph 13, page 4 of the August 26, 2004 minutes to read: "Mr. Carson said the time involved in filing a report was more expensive than paying the fee."

Mr. Monk, seconded by Mr. Johnson, moved to approve the minutes of August 26, 2004, as amended. The motion passed unanimously, 6:0.

Ms. Brotherton corrected paragraph 3, page 5 of the September 15, 2004 minutes to read: “Responding to a question from Mr. Monk, Ms. Brotherton clarified that elements of the program outside of what was mandated by the charter could be funded in any way, excluding on a quantity basis.”

Mr. Allen corrected the last sentence of paragraph 4, page 3 of the September 15, 2004 minutes to read: “He said companies already submit reports that cover many of the materials addressed by the Toxics Program.”

Mr. Johnson, seconded by Ms. Gleason, moved to approve the minutes of September 15, 2004, as amended. The motion passed unanimously, 6:0.

IV. Staff Report

Mr. Potter reported that there were five applicants for four positions on the Toxics Board. He said that Brian Allen was resigning from his position effective October 31, 2004, while the terms for Marylee Bowman, Jennifer Gleason, and Paula Holloway would expire. He added that Ms. Bowman and Ms. Gleason had reapplied for their positions. Mr. Potter reported that Dean Bautz, Douglas Brooke, and David Doll had submitted applications for the remaining two vacancies. He stated that it was Mr. Brooke’s wish to serve out the remainder of Mr. Allen’s term.

Mr. Potter reported further that Ms. Bowman would be eligible for reappointment if four or more of the other sitting board members voted to nominate her. All five (Mr. Carson not yet having arrived at the meeting) voted to nominate Ms. Bowman for reappointment.

Following a brief discussion, Mr. Potter said he would send a memorandum to the City Council from the board indicating support of Mr. Brooke for Mr. Allen’s position, Mr. Doll for Ms. Holloway’s position, and Ms. Bowman and Ms. Gleason for reappointment.

V. Response to City Council Request

Mr. Potter corrected the agenda to reflect there was no staff memo attached to the agenda. Mr. Potter distributed copies of the draft ordinance concerning hazardous substances user fees. He said that Mr. Johnson and Ms. Gleason had served as a subcommittee to review the issue.

Mr. Carson arrived at 2:25 p.m.

Mr. Johnson provided the subcommittee report, stating that dry cleaning, photofinishing, and gasoline stations were considered good candidates to be added. He said some consideration had also been given to dentists. The subcommittee was not sure that their releases were insufficient to warrant reporting or paying fees, however.

Ms. Brotherton said the ordinance that businesses needed to be incorporated for consideration. She said the board would need to make its intent clear in this regard. Ms. Gleason responded that the subcommittee's intent was to try to leave the "mom-and-pop" establishments out of the program.

Mr. Potter said that the ordinance eliminated the 10-FTE threshold for purposes reporting or paying, while the threshold of 2,640 pounds of aggregate hazardous inputs in a year, for purposes of being required to report, would remain. Ms. Brotherton noted that the NAICS codes had been cited in the draft ordinance for the businesses being considered.

Mr. Potter gave the board a rough estimate that the proposal might reduce the current per-FTE program fee by about five dollars, depending on how many newly participating businesses and billable FTE were identified, and depending on how much the identification, education, and billing of the new businesses added to the cost of operating the program.

Mr. Monk, seconded by Mr. Johnson, moved to suggest to the City Council that the expansion of the program had not addressed the fee issue as well as the board had hoped. If the five-dollar reduction per FTE was sufficient for the City Council, the Council could adopt the draft ordinance. If the City Council wanted a greater reduction in fees and the Council was willing to pay the City Attorney to research whether a hazmat or other surcharge was legally possible, the board would recommend that option, or a combination of the two.

There was lengthy discussion on the motion, but it was not voted on. In the discussion, it became clear that the business representatives on the board would prefer to address the City Council's request by adding a surcharge to an existing fee (such as the hazardous materials permit fee or the commercial solid waste hauling fee), while the right-to-know representatives would prefer an approach such as the draft ordinance proposed, which would spread the fee burden while making additional information available to the public. The board agreed that the council could choose to do both in combination. The board agreed to make these opinions known to the City Council with their recommendation.

Ms. Gleason, seconded by Mr. Carson, moved to direct the City Attorney to return with a refined draft ordinance plus information about the feasibility of a surcharge, for purposes of offering either or both to the City Council along with the opinions of the respective factions on the board. The motion passed unanimously, 7:0.

Mr. Carson commended the subcommittee for its work.

VI. Schedule Next Meeting/Agenda Items

The board scheduled its next meeting for November 17 at 3 p.m. at Fire & EMS headquarters.