

MINUTES

Eugene Toxics Board
Saul Conference Room—The Atrium Building—99 West 10th Avenue

August 16, 2000
3 p.m.

PRESENT: Cathy Verrét, Steve Johnson, Steve Morgan, Mary O'Brien, Mike Friese, Madronna Holden, Clyde Carson, members; Glen Potter, Fire and Emergency Medical Services Department; Chuck Solin, Human Resources and Risk Services; Brian Allen, Ken Luse, Kevin Masterson, guests.

Mr. Johnson called the meeting to order.

I. APPROVAL OF AGENDA

Mr. Johnson determined that there was consensus to approve the agenda, as written.

II. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Ken Luse requested that Mr. Potter clarify current auditing practices given that two years of reports are now available for review. Mr. Potter responded that he audits the information available to him at the time of the review. Members of the board requested that Mr. Potter report periodically on the progress of audits and any issues encountered.

III. APPROVAL OF MINUTES

The committee reviewed the minutes of the May 11, 2000, meeting of the Toxics Board.

Ms. O'Brien moved, seconded by Mr. Carson, to approve the minutes of the May 11, 2000, meeting of the Toxics Board, as written. The motion passed unanimously.

IV. STAFF REPORT

A. Fees

Mr. Potter reported that fees were due on July 14. Noting that 82 invoices were sent out to

local businesses, Mr. Potter said full payment was received from 75 businesses. He said the City was negotiating with one company. He stated that of the remaining 6 non-paid companies, two have been in the program since its inception, and four are new to the program.

B. City Council/Administrative Rule

Mr. Potter reported that the City Council had adopted an ordinance delegating to the City Manager the authority to add chemicals to the list of chemicals reportable under the Toxics Program upon the recommendation of the Toxics Board. He stated that the board's earlier proposed ordinance constituted such a recommendation, and that the administrative rule process would be followed with respect to the chemicals listed in that proposed ordinance. He expressed optimism that the additions would be effective for 2001.

C. Questions From Businesses

Referring to a question from Gheen Irrigation, Mr. Potter said the company was requesting clarification regarding what was reportable with respect to a proprietary list of ingredients given by a supplier on a Material Safety Data Sheet without corresponding percentages. As the result of discussion, the board agreed that the company should acquire as much information as possible from the supplier and then, if necessary, make and document reasonable assumptions about the amounts and report accordingly.

D. Other

Mr. Potter explained that House Bill 2431, passed by the 1999 State Legislature, requires the Toxics Board to include on its Web site access to toxicity information related to reportable chemicals. He said a link to such information would suffice. Ms. O'Brien suggested a link to the New Jersey Department of Health. Mr. Johnson suggested a link to the "Scorecard" site. Mr. Potter invited additional suggestions. He said the link would not be required until 2003, but that it could be made available as soon as 2001 if the board reached agreement on an appropriate website.

Mr. Potter reported that a further legal appeal by Advocates for Effective Regulation has been issued based upon four claims: 1) the trial court erred in authorizing, in effect, a dual definition of the term "hazardous substance user"; 2) the trial court erred by ruling that the fee provisions are severable from the remainder of the Charter Amendment; 3) that pesticides should not be reportable even if not used as such; and 4) that pre-judgment interest is due to businesses that paid fees in 1998 and 1999 and subsequently received refunds of those fees.

Mr. Potter said City Attorney Jerry Lidz has filed a motion to strike down the appeal. If the appeal goes forward, it is expected that oral arguments will take place near the end of this year and that a disposition may be forthcoming early next year.

Finally, Mr. Potter reported that he had been authorized to use a surplus Fire Marshal's Office vehicle for purposes of this program, and that the cost to the program would be limited to the City's monthly maintenance charge.

V. REPORTING OF HAZARDOUS SUBSTANCES USED BY THE CITY OF EUGENE

Referring to a subcommittee memorandum entitled *How Should the City of Eugene Report its*

Hazardous Chemical Use?, copies of which were included in the meeting agenda packet, Mr. Johnson explained that Chuck Solin had been invited to respond.

Noting that the board, in its memorandum to him, had proposed a number potentially reportable items, Mr. Solin said he was interested in “narrowing the field” of items somewhat. Mr. Solin presented a number of questions/comments, including the following:

- The Toxics Board’s guidebook is not very applicable to the City of Eugene in terms of chemical use. The board may want to develop an alternative guidebook for agencies such as the City of Eugene and the University of Oregon.
- With regard to the City’s tracking of chemical use, purchases of supplies for City-wide use are made through the purchasing department; however, department-purchased supplies are not centrally tracked. The City of Eugene has no central purchasing agreement for the organization as a whole.
- With regard to tracking that does exist at the City of Eugene, the 12 percent bleach solution used in the City’s public pools is tracked and reported to the State Fire Marshal and that information could be made available to the Toxics Board. The City would need assistance in determining what portion of that bleach solution is emitted to the air.
- With regard to building maintenance materials used by the City of Eugene, the City has a centralized facility maintenance function; however, some departments utilize their own maintenance staff. The City could track the centralized facility maintenance chemical use, such as paint, fairly well.
- With regard to materials used for special construction projects, the City could acquire product information from contractors and include in contracts a provision that the contractor will document all reportable chemical use.
- With regard to landfill issues, the landfill is not a City function. The Toxics Board should contact Lane County regarding any landfill concerns.
- With regard to wastewater treatment, the City of Eugene operates the wastewater treatment plant for the Metropolitan Wastewater Commission. The City does not own the plant. The plant receives effluent from other jurisdictions. The City of Eugene submits a number of reports related to the Regional Wastewater Facility and copies of those reports could be made available to the Toxics Board.
- The City has appointed an Environmental Review Team. The team will hire a consultant to assess sustainability within the organization, such as its use of paper products and recycling, and identify how the City might lower its use of such products. The Toxics Board might be better served if it were to defer its request that the City report until after it has reviewed the results of the consultant’s assessment.
- With regard to pesticide use and tracking, the City of Eugene tracks the amount and type of all pesticides used. Reports of the City’s use of pesticides would be simple to generate and provide to the Toxics Board.

Mr. Johnson suggested that the Toxics Board defer its request that the City report its chemical use until after it has reviewed the results of the consultant's assessment. He said the Toxics Board can then generate a more refined list of questions and suggestions for Mr. Solin. In addition, Mr. Johnson suggested that a subcommittee of Toxics Board members review copies of the existing reports to assess their value in terms of the board's purposes.

The board accepted this proposal. Ms. O'Brien and Mr. Carson agreed to serve on the subcommittee. Mr. Friese agreed to join them if possible.

VI. DEFINITION OF "CONSUMED" AND REPORTING OF PAINT

Mr. Friese distributed copies of a document entitled *New Questions & Answers Regarding "Consumed" and "Emitted."* Referring to the document, he said Questions/Answers "B" and "D" were most applicable in terms of solvent use. Mr. Potter explained that the draft questions and answers stemmed from audit discussions which had indicated that there is a misconception regarding the terms "consumed" and "emitted," particularly with respect to the use of paint. He inquired as to the board's interest in adding the questions and answers to the updated version of the guidebook.

The board agreed that the draft response to Question "B" was acceptable. Ms. O'Brien submitted to Mr. Friese written suggestions for revising the document. Mr. Friese said he would revise the document to reflect the suggested changes and present it to the board during its next meeting.

VII. REPORTING EXTENSION POLICIES

This item was deferred.

VIII. FURTHER DISCUSSION: UPDATES TO TRACKING INSTRUCTIONS FOR 2001

Mr. Potter recalled that during the board's May meeting, he updated members as to the proposed updates to the 2001 Tracking Instructions. He solicited additional suggested revisions, noting that the revised handbook would be issued in December.

Ms. O'Brien noted a reference on page 8 to a list on page D-5; however, page D-5 does not exist. Mr. Potter said he would delete the reference.

IX. SCHEDULE NEXT MEETING(S)/AGENDA ITEMS

The board tentatively scheduled its next meeting for October 10 or 11.

The meeting adjourned at 5:10 p.m.

(Recorded by Kim Kunkel)
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