

## **MINUTES**

Eugene Toxics Board  
Saul Conference Room—The Atrium Building—99 West 10<sup>th</sup> Avenue

October 11, 2000  
3 p.m.

**PRESENT:** Cathy Verrét, Steve Morgan, Mary O'Brien, Michael Friese, Madronna Holden, Clyde Carson, Steve Johnson, members; Glen Potter, Fire and Emergency Medical Services Department; Brian Allen, Kevin Wells, Terry Connolly, Didi Malarkey, guests.

### **I. APPROVAL OF AGENDA**

The board determined that there was consensus to approve the agenda, as written.

### **II. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA**

No public comment was offered.

### **III. APPROVAL OF MINUTES**

The board reviewed the minutes of the August 16, 2000, meeting of the Toxics Board. The board asked that the word "of" be inserted between the words "number" and "potentially" on page 3, second paragraph. The board also asked that the word "from" be inserted between the words "stemmed" and "audit" on page 4, fifth paragraph. At the bottom of page 4, "Ms. O'Brien" was changed to "Mr. Friese".

*The board approved the minutes of the August 16, 2000, meeting of the Toxics Board, as corrected, by consensus.*

### **IV. STAFF REPORT**

#### **A. Audits**

Mr. Potter referred to his written report in the agenda packet regarding audit procedures and results. He reviewed the materials, which included a standard notification letter and an example of a written audit report.

Mr. Potter noted that companies are normally given two weeks to submit corrections required in audit findings. He added that 22 audits have been completed to date.

Ms. O'Brien asked what "inventory variances" meant in the green Laurence David letter in the agenda packet. Mr. Potter said he did not know what it meant. However, he reported that he had encountered a number of instances in which a company's reported 1998 year-end inventory of a particular chemical did not match its reported 1999 beginning-year inventory of the same chemical.

Mr. Johnson asked how the companies were responding to the audits. Mr. Potter said that all of the companies had been cooperative during audits, and all had submitted necessary corrections on time.

Mr. Friese asked who represents the companies at audits. Mr. Potter responded that the company may be represented by a manager of information systems, an environmental compliance officer, a CEO, a consultant, or some combination.

### **B. City Council/Administrative Rule**

Mr. Potter reported that staff had inadvertently failed to include, in the ordinance adopted by Council addressing persistent bioaccumulative toxins, the clause authorizing the City Manager to reduce the reporting thresholds for chemicals already on Eugene's list. He said that the process to correct this oversight had begun, and would include a public hearing and possible action on October 23. There would still be time to make the changes effective for 2001.

Regarding fees, Mr. Potter reported that 81 of the 82 companies billed have paid. The remaining company is awaiting the outcome of the current legal appeal, but interest is accruing on that account during the wait. He said the oral argument portion of the appeal could occur in December and that the decision would be made early next year.

### **V. RECRUITMENT OF NEW MEMBERS**

Regarding new members, Mr. Johnson noted that the board had historically made recommendations to the City Council. Members reviewed the applications for Toxics Board membership that were included in the meeting packet.

Ms. O'Brien felt the questions on the application for membership needed to be more relevant to the Toxics Board. Mr. Johnson agreed. Mr. Potter said he could have someone come and talk to the board about this process.

Mr. Johnson said there was only one applicant from the business community, Mr. Allen. Mr. Friese said he would not be continuing on after his term expired because he felt there was a need for a new perspective on the board. Ms. O'Brien commented that Mr. Allen has been to the meetings. Mr. Allen stated that he will be moving out of the city limits in November and wondered if that affected his eligibility. Ms. O'Brien noted that exceptions to the residency requirement can be made.

*Mr. Friese moved, seconded by Mr. Carson, that Mr. Allen be recommended for board membership. The motion passed unanimously.*

There was discussion about recommending Ms. Holden for reappointment. Ms. O'Brien said that Ms. Holden attended all board meetings, reviewed all the materials, and was always willing to volunteer for projects that needed to be done.

*Ms. O'Brien moved, seconded by Mr. Carson, to recommend Ms. Holden for reappointment. The motion passed 6:0, with Ms. Verrét abstaining.*

## **VI. CITY OF EUGENE REPORTING**

Mr. Morgan reported that the subcommittee had been working with Chuck Solin of the City's Risk Management Section and James Ollerenshaw of the City's Wastewater Treatment staff. He said there had been at least tentative agreement that the City could report chemicals used at swimming pools as well as those used as pesticides. The City's use of paint and the chemicals used in wastewater treatment were still under discussion. However, he added that the City probably could report at least the paint used in street marking. Mr. Morgan said that Mr. Solin would present a written report at the next Toxics Board meeting.

Mr. Morgan also reported that there had been agreement that the City could report at some level for the year 2001. He reminded the board, however, that approval from the City Manager is still needed. Mr. Johnson suggested that the Manager would probably approve as long as the cost of reporting is not prohibitive.

Mr. Morgan said the issue of storm water would need to be tabled until next year because there is not enough time to process it this year.

Mr. Potter said the city has been asked to report pesticide usage but no one else had to do that. This could have a negative effect of making it look like the city uses these, while others do not. Ms. O'Brien felt the more that could be done to increase reporting, the better.

Mr. Johnson said that storm water reporting will require software changes and explanations regarding the differences between year one and years two and three.

## **VII. DEFINITION OF "CONSUMED" AND REPORTING OF PAINT**

Mr. Friese referred to the questions and answers he had drafted earlier, which had been modified by the board. Further suggestions for improvements were made and recorded by staff for inclusion in the 2001 Tracking Instructions document.

## **VIII. REPORTING EXTENSION POLICIES**

Following discussion of this issue, the board agreed to retain the existing policy. That policy is that Mr. Potter, at his discretion and based upon the circumstances of individual companies, may grant extensions of up to one month. Extensions of greater duration may only be granted by the board. Mr. Potter may grant more than one extension to a single company as long as the total of the extensions does not exceed one month. The board further agreed not to second-guess Mr. Potter's decisions regarding extensions, but indicated that it may wish to review the policy further in the future.

## **IX. FURTHER DISCUSSION: UPDATES TO TRACKING INSTRUCTIONS FOR 2001**

Mr. Potter referred to the draft of the "2001 Hazardous Substance Tracking Instructions" in the agenda packet. He said proposed changes were highlighted in gray.

Regarding the text concerning the 10-employee criterion, Ms. O'Brien asked about the wording "working at the facility." She felt that left out sales staff and other workers that are employed by the company but perhaps not working at the facility. She was concerned with distinctions between "working at" and "working for." Following discussion, the board agreed on the wording "employed locally by the facility."

The board requested a simple chart explaining the various special categories of chemicals discussed on page 8 of the draft.

The board made several other editorial changes which were recorded by Mr. Potter for inclusion in the final handbook.

## **X. STATE TASK FORCE MEETING REPORT**

Mr. Johnson reported that on July 28, there was an Oregon Toxics Reporting Advisory Group meeting. This is one of the groups created by 1999 House Bill 2431, to develop recommendations for the 2001 Legislature. Mr. Johnson is a member of the group.

Mr. Johnson said the head of the state DEQ and representatives from industry and environmental groups were present. The meeting was very structured with a facilitator. At the meeting, the group discussed the availability of EPA records and the possibility of changes to EPA's reporting requirements. The group also discussed Eugene's experience with toxics reporting.

Mr. Johnson said there was discussion of projected values of reporting and the limits to toxics reporting. There was an attempt to find some common ground. He did not know what the result of the meeting would be. He said there was some focus on possible new state legislation at the meeting, if more detailed EPA reporting was not going to be instituted.

Mr. Johnson said other things discussed at the meeting were issues of materials balance and appropriate thresholds. There was a desire to set the threshold at a place where it yielded the greatest public good. There were some issues around trade secrets.

Mr. Potter said often he is asked who uses Eugene's data and he does not know. Mr. Johnson said the goal is to protect the public health. There is no way to know what chemicals being used now will be found to be toxic later. Ms. O'Brien said the public has a right to know and it does not matter if they are identified as toxic now or not. The public deserves to just know what substances are being utilized.

## **X. SCHEDULE NEXT MEETING(S)/AGENDA ITEMS**

The board scheduled its next meeting for November 7 at 3 p.m. A meeting was also scheduled

for December 6 at 3 p.m., but only if necessary. Mr. Potter noted that Mr. Friese's term on the board expires on January 22, 2001.

The meeting adjourned at 5:00 p.m..

(Recorded by Kirsten Anderberg)

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