

MINUTES

Toxics Board
Saul Room--Atrium Building

May 26, 1998
Noon

PRESENT: Don Upson, Chair; Mary O'Brien, Steve Morgan, Steve Johnson, Cathy Verret, members; Glen Potter, Judi Ivy, Fire Marshal's Office staff; and various members of the public.

ABSENT: Madronna Holden, Michael Friese.

Mr. Upson called the meeting to order.

I. APPROVAL OF AGENDA

Mr. Upson suggested that the board consider item VI (Review Draft Answers to Questions Submitted on March 31, 1998) before item V (Electronic Reporting System). There was no objection.

II. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

There were no public comments offered to the board.

III. APPROVAL OF MINUTES

The board accepted the minutes of April 29, 1998, as submitted.

Responding to an issue raised by Ms. O'Brien, the board discussed the advantages and disadvantages of correcting errors on the source lists. Mr. Potter said that he would check with Fire staff to determine if the City had a copy of the original list on disk.

IV. STAFF REPORT

A. Update on Number of Checks Received

Mr. Potter announced that 37 of 42 invoices had been paid, for a total of approximately \$100,000. He said he was initiating informal telephone contacts with the companies who had not yet responded to the invoices. He reported that a business had contacted him and identified itself as a hazardous substance user. He had invoiced the business accordingly.

B. Council Action on Accrual

Mr. Potter said that Jerome Lidz of the City Attorney's Office had prepared an ordinance codifying the two months' grace period before interest would accrue, a graduated scale of penalties for non-declaration, establishing a declaration deadline of June 30, 1998, or ten days after commencing operations, and establishing no penalty, only interest after two months past the due date, once a business that has declared itself in a timely fashion has received an invoice. Mr. Potter said a City Council work session on the ordinance was scheduled on May 27, followed by a public hearing and possible action on June 8. If the council chose not to take action on June 8, then action was scheduled for June 22.

C. Other

Mr. Potter requested board approval of a draft letter (included in the meeting packet) regarding the ordinance prepared by Mr. Lidz. Ms. O'Brien referred to the list of criteria for being required to report and said that hazardous medical waste incinerators should be included in item 2. She also suggested that Mr. Potter include language explaining the situation for a borderline company. Mr. Morgan and Mr. Upson concurred. Mr. Upson suggested that the letter refer to "full-time equivalent employees" rather than "full-time employees" in item 3. The board approved the letter for mailing with these changes.

V. REVIEW DRAFT ANSWERS TO QUESTIONS SUBMITTED ON MARCH 31, 1998

The board reviewed a series of draft answers to questions submitted by industry.

The board had no changes to the response to question 25.

Mr. Upson offered the following alternative wording for the response to question 26: "If you know that a portion of a listed hazardous substance remains with the product as shipped, provide your best estimate of the percentage of the hazardous substance in the product and multiply that by the estimated total pounds of product. Estimate the pounds of waste that were generated and the percentage of the listed hazardous substance in the total waste. Any remainder hazardous substance input is assumed to be emitted to the air." The board accepted Mr. Upson's alternative text.

The board had no changes to the response to question 27.

The board discussed the response to question 28, in particular the reportable nature of individual corrosive components in a substance that was not on the list of reportable chemicals, and agreed that the response was consistent with its past answers. Mr. Morgan referred to question 12, which regarded ignitable substances in a similar scenario. He asked if mineral spirits in paint were reportable. Ms. O'Brien said no. Mr. Johnson added that if the mixture itself was not characteristic and the mineral spirits were not listed, then the mixture was not reportable. Mr. Morgan asked if mineral spirits were reportable when the paint was sprayed. Ms. O'Brien said yes, if it volatilized. Mr. Morgan suggested that it was confusing when some forms of mineral spirits were reportable and some not. Ms. O'Brien disagreed. She said that if

the substance leaves the mixture at some point in manufacturing, inputs and outputs were reportable.

Responding to a question from an audience member, Ms. O'Brien said that if the user did not know if a substance was in a mixture because it was not listed, it was not reportable.

Mr. Upson suggested that question 28 be modified to read, "Suppose we have a mixture containing hazardous substances that are not on the list of hazardous chemicals and the mixture does not meet the definition of a characteristic chemical. . ." The board concurred.

At Mr. Upson's suggestion the board modified the answer to question 29 by adding the following sentence: "If the reportable substance is the only corrosive substance, then the remainder of the mixture is not reportable."

The board had no changes to the response to question 30.

Mr. Morgan suggested that question 31 be ended after the third sentence. The board concurred. The board also reworded the remaining language in the question for clarity.

Referring to the response, Mr. Upson emphasized the need for companies to document how they account for chemicals.

Ms. O'Brien referred to the answer to question 32 and suggested that it be modified to indicate that companies could ask trade associations for information if that made it easier to estimate the amount of a substance used. The board agreed.

Referring to B in the response to question 34, Ms. O'Brien said that she was satisfied with the answer as long as it was clear when painting was cosmetic and when it was not. She questioned how much painting of machines was done. A member of the audience indicated that in some cases equipment was painted for rust protection, but in many cases painting was cosmetic.

The board had no changes to the response to question 34.

The board discussed question 35 extensively before agreeing on the following answer: "No. The rubber itself is not reportable, but known or listed hazardous components of the rubber should be reported."

The board accepted the response to question 36 with the addition of the phrase "such as lead."

In question 37, the board agreed to delete the words "which has been removed by vaporization" and replace them with the words "portion vaporized" in parentheses. The board agreed to end the answer to the question after the parenthetical term "quantity emitted to the air," and to delete the subsequent language in the draft answer.

A member of the audience diagrammed a manufacturing process that involved laser-cutting of sheet steel. He asked for guidance on how the product, kerf, and scrap would be accounted for.

The board discussed the question. Mr. Upson recalled that the board had previously agreed that it would be fair for a manufacturer to develop an average for all the materials it used and to use those averages in their estimation, rather than trying to do so product-by-product or input-by-input. He suggested that the manufacturer develop those estimates and document the rationale used for review by the auditor.

Mr. Morgan said that there would be two outputs in the example diagrammed, the kerf and the scraps. The finished product would be considered an article. Mr. Potter suggested that input to be reported would then be total input minus the weight of hazardous substances in the product. Mr. Morgan concurred. He recalled that the board had modified the response to question 25 accordingly at a previous meeting, adding cuttings and waste as reportable portions of articles.

Mr. Upson summarized the discussion, saying that a manufacturer would add the kerf, cuttings, and scraps to calculate total input. The board concurred.

Following extensive discussion, the board referred question 38 to a subgroup that included Mr. Friese and Ms. Verret. The board asked the subgroup to address question 38, to review the answers to all other questions involving reporting of metals, to suggest a definition of "article" (or other suitable term) for purposes of this program, and to address concerns raised over the methodology of calculating inputs based on outputs which had been suggested in certain circumstances.

Mr. Upson recessed the meeting, and reconvened the board in Mr. Potter's office for a demonstration of the electronic reporting system.

VI. ELECTRONIC REPORTING SYSTEM

The board viewed a demonstration of the electronic reporting system and offered several recommendations for changes.

Mr. Johnson said that more print commands might be useful, and it would be useful to have the ability to print individual records.

Mr. Upson indicated he would contact Randy Kolb of the City's Information Services Division regarding the possibility of beta testing the software.

VII. RATIONALES

Due to a lack of time, the board postponed consideration of this item to a future agenda.

VIII. RECEIVE DRAFTS FROM GLEN, AND DETERMINE NEXT STEPS

Due to a lack of time, the board postponed consideration of this item to a future agenda.

IX. FUTURE MEETINGS AND WORK GROUPS NEEDED

The board established July 15 and August 17 as its summer meeting dates. Both meetings will be from 3 to 6 p.m.

The board made the following assignments to work groups: 1) Propose specifications for public access to electronic materials accounting reports (O'Brien, Johnson); 2) Propose process for the public to petition the Toxics Board (Verret, Upson, O'Brien); and 3) Propose goals and priority changes for the 1999 reporting forms and instruction booklet (Morgan, Friese, Holden).

X. ADJOURN

The meeting adjourned at 3 p.m.

(Recorded by Kimberly Young)
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