

# MINUTES

Toxics Board  
2<sup>nd</sup> Floor Conference Room--Aster Building

June 16, 1998  
3 p.m.

PRESENT: Don Upson, Chair; Mary O'Brien, Steve Morgan, Steve Johnson, Cathy Verret, Madronna Holden, Mike Friese, members; Glen Potter, Fire Marshal's Office staff; Jan Wostmann, Information Services Division staff; Andy Poynter, Ken Luse, Clyde Carson, guests.

Mr. Upson called the meeting to order.

## I. APPROVAL OF AGENDA

At Mr. Upson's request, the board added item V-C-b, testing of business reporting software by board members.

## II. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

There were no public comments.

## III. APPROVAL OF MINUTES

Ms. O'Brien ascertained that follow-up had been duly conducted on certain items reflected in the May 26, 1998, minutes. The minutes were approved as submitted.

## IV. STAFF REPORT

### A. Update on Checks Received

Mr. Potter provided details concerning the status of hazardous substance user accounts. The board directed staff to notify those businesses whose accounts remained open that interest on unpaid amounts would begin to accrue at the rate of 8 percent per year effective July 1, 1998, but directed that no additional follow-up be done at this time beyond normal City collection procedures.

### B. Publish Errata and Q & A

Mr. Potter reported that he was prepared to send board-approved questions and answers, as well as errata and possibly other new documents, to reporting businesses at the end of June. He agreed to e-mail a list of these items to the board before mailing.

C. City Council Action on Penalty Ordinance

Mr. Potter reported that the City Council had adopted the board-recommended ordinance concerning penalties and interest by a 6:0 vote on June 8, having heard no testimony at the public hearing. There was no council discussion. The ordinance is now in effect.

D. Response of Businesses to the Reminder Letter

Mr. Potter reported that a letter had been sent to approximately 400 local businesses notifying them of the upcoming City Council action establishing penalties for failure to declare hazardous substance user status by June 30, 1998. The letter generated about 30 to 40 telephone inquiries from businesses regarding their status. Most of these had been resolved by phone, but 1998 reporting instruction handbooks had been sent to several businesses in response to the inquiries.

Mr. Potter added that one business had learned of the pending ordinance through other means, and had declared itself a hazardous substance user, bringing the current total to 43.

E. Other

Mr. Potter reported that, as of the end of June, the Toxics Right-to-Know office would be moving from its present location to what is now known as the Pacific Conference Room, three doors south of the present location.

Mr. Potter requested a board decision concerning the use of methyl bromide to fumigate a grain mill. Grain mill staff had asked whether this was reportable under Eugene's charter amendment. Following discussion, the board decided that it was reportable in this particular case, but directed Mr. Potter to draft a general question for the board to consider at a future meeting, addressing the issue of fumigation and cleaning of manufacturing equipment and buildings, and when it was and was not directly related to manufacturing.

## V. ELECTRONIC REPORTING SYSTEM

A. Review of Changes Made Since May Meeting

Mr. Potter reported that the software program now showed default zeroes in all of the individual input and output fields, and that the capability to print records for a single facility had been added. Ms. O'Brien added that the software also was now capable of printing a record for a single chemical only.

B. Feedback from Beta Testing by Ken Luse and Andy Poynter

Mr. Poynter reported that there had been some initial problems with installation and with impor-

tation of the chemical list, but that these had been successfully resolved with the assistance of City staff. Mr. Poynter expressed the opinion that the software was not sufficiently user-friendly.

C. Draft Instructions for Using Reporting Software

Mr. Potter distributed draft instructions and requested feedback from board members.

a. Board Approval of the Software

By a 7:0 vote, the board approved the software, subject to correction of programming errors identified by board members or City staff.

b. Testing of Business Reporting Software by Board Members

Mr. Wostmann provided copies of the current version of the software to Ms. O'Brien and Mr. Morgan, whom the board authorized to test the software and bring comments to the next meeting. Mr. Potter agreed to provide importable chemical lists to Ms. O'Brien and Mr. Morgan. As always, Mr. Wostmann noted that actual programming errors would be corrected without additional charge or undue delay, but that design changes would involve extra time and expense.

Mr. Johnson indicated that he would need to leave the meeting early, and requested that item IX-A, Proposed Specifications for Public Access to Electronic Materials Accounting Reports, be taken up at this time. The board agreed.

**IX. A. PROPOSED SPECIFICATIONS FOR PUBLIC ACCESS TO ELECTRONIC MATERIALS ACCOUNTING REPORTS**

Ms. O'Brien explained the draft public access specifications that had been distributed to the board earlier. The board accepted the proposal generally, and agreed that the information should be made available via the City's Web page. Mr. Wostmann indicated that the proposal was feasible from a programming standpoint. Asked to provide an initial cost estimate, Mr. Wostmann mentioned the figure of \$6,000. Mr. Potter indicated that sufficient funds would be available in fiscal year 1999 to cover this expense.

Following discussion, the board decided to add to the proposal the capability to generate a table that would provide information on a grouping of outputs, such that actual releases to the environment could be summed, to the extent possible.

The board asked that phase 2 systems analyst Steve Chipman attend the next meeting for further discussion.

The board also noted that additional programming would be needed in future years in order to provide the capability to analyze trends.

Mr. Johnson and Mr. Wostmann left the meeting. The board recessed briefly.

## **VI. RATIONALES**

Mr. Upson referred the board to the draft rationales that were included in the April 29 meeting packet. The board made various editorial changes to the document, and directed that the final version be included in the upcoming mailing to reporting businesses.

### **VII. A. DRAFT GUIDELINES FOR TOXICS BOARD ENFORCEMENT ACTIONS**

This draft was included in the May 26 meeting packet. The board made various editorial changes and directed that the final version be included in the upcoming mailing and provided to board members.

### **VII. B. DRAFT PROCESS FOR APPEALS OF ENFORCEMENT ACTIONS**

This draft was included in the May 26 meeting packet. The board made various editorial changes to the process document and accompanying appeal form, and directed that the final versions be included in the upcoming mailing and provided to board members.

## **VIII. DISCUSS DRAFTS FROM SUBGROUPS**

### **A. Proposed Specifications for Public Access to Electronic Materials Accounting Reports**

This was addressed earlier in the meeting.

### **B. Proposed Process for the Public to Petition the Toxics Board**

This draft was included in the current meeting packet. The board made various editorial changes.

C. Proposed Goals and Priority Changes for 1999 Reporting Forms and Instructions Booklet

Mr. Morgan reported on behalf of this subgroup. He indicated that there were two schools of thought concerning the timing of publication of instructions. Instructions could be published prior to the reporting year, which would provide businesses with current information for tracking purposes but would require them to retain a handbook for more than a year for reporting purposes, while they would receive another in the meantime for purposes of the following year. Or, instructions could be published at the end of, or even following, the reporting year, which would reduce confusion regarding which handbook to use for reporting purposes, but would not provide timely information for tracking purposes.

Following discussion, there was a 5:1 vote, with Mr. Morgan dissenting, in favor of publishing the 1999 reporting instructions in December 1998, and later revisiting this issue.

Discussion included the prospect that, ultimately, the board could issue a permanent reporting handbook to which only updates would need to be provided from year to year.

Mr. Potter agreed to provide an initial draft 1999 handbook to the board at its August meeting, to be based on a format recommended by Mr. Morgan.

At Ms. O'Brien's request, the board agreed to discuss upcoming meeting dates at this time.

## **IX. UPCOMING MEETINGS**

Tentatively, the board agreed to meet from 3 to 6 p.m. on Thursday, July 16, and Thursday, August 13. Mr. Potter agreed to e-mail this tentative decision to the board in order to provide members an opportunity to identify potential scheduling conflicts.

The board returned to its regular agenda.

### **VIII. D. Metals Subgroup Report**

The board directed staff to ask the City Attorney the following question: Can the board exempt companies from reporting a particular substance because requiring them to report it would not be consistent with the intent of the law? The board asked that discussion of the response to this question be added to the agenda for the next meeting.

The meeting adjourned at 6 p.m.