



Citizen Guide

to the City of Eugene
Toxics Right-to-Know Program

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Introduction to Eugene's Toxics Right-to-Know Law

Eugene's voters in 1996 approved an amendment to the City Charter requiring local manufacturers who meet certain conditions to file a public report each year of their inputs and outputs of hazardous substances. Reports are due April 1 of each year. This Citizen Guide explains what data are available to the public and how you, the citizen, can have access to the data and sort it to meet your needs.

Your Roles as a Citizen: Citizens are encouraged to participate in the Toxics Right-to-Know Program. There are many ways to do this:

- By following the instructions in this Citizen Guide, you have access to chemical data that are reported under the program.
- The Toxics Right-to-Know Program operates with only one paid staff position, and the person in this position is available to answer your questions and discuss the program with you.
- You may attend and speak at Toxics Board meetings. These meetings are announced in the newspaper, and there is a public comment period at the beginning of each meeting.
- You may petition the Toxics Board if you feel that the Charter Amendment has been or is being violated; forms are available by contacting Toxics Program staff at 541-682-7118. If you do not agree with the Toxics Board's decision on your petition, you may seek judicial review.
- You may apply at the City Manager's Office for membership on the Toxics Board.
- You may provide feedback via the program's website at: www.eugene-or.gov/toxics.

Feedback: Your comments on this Citizen Guide, the data, or any aspect of the Eugene Toxics Right-to-Know Program are important to the Toxics Board and City staff. You are welcome to call, write, or email the Toxics Board or Toxics Program staff at:

City of Eugene
Toxics Right-to-Know Program
1320 Willamette Street
Eugene, OR 97401
541-682-7118
Email: toxics@ci.eugene.or.us

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Summary of Program

Who Must Report: In order to be required to report, a business must meet all four of these criteria:

1. Operate a stationary facility within the Eugene city limits;
2. Be engaged in manufacturing (i.e., have a Standard Industrial Classification between 2000 and 3999 inclusively);
3. Employ the equivalent of 10 or more full-time employees; and
4. Have aggregate inputs of 2,640 pounds or more of reportable hazardous substances in a calendar year.

Certain other provisions and exemptions are also given in the law.

What Must Be Reported: Chemicals required to be reported are those that are federally listed in Sections 302 and 313 of the Emergency Planning and Community Right-to-Know Act; the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; and the Resource Conservation and Recovery Act. Chemicals meeting Federal definitions of hazardous waste (for the characteristics of toxicity, reactivity, corrosivity, or ignitability) are also reportable, even if they are not being disposed of as hazardous waste. See the text of the Charter Amendment in Appendix A of this Citizen Guide for more specific information. A complete List of Reportable Chemicals is available on the program's website at: https://ceapps.eugene-or.gov/toxics/chemical_list.aspx.

Substances must be reported if they are used over an entire year in quantities exceeding the smallest accounting unit given in the law, which is 2.2 pounds for hazardous substances and 0.022 pounds for extremely hazardous substances. Only limited reporting (total input amount) is required if the total quantity is under 50 pounds for hazardous substances or under 5 pounds for extremely hazardous substances. The thresholds for extremely hazardous substances also apply to extremely persistent bioaccumulative toxins. The threshold for dioxin and dioxin-like compounds is 0.1 gram; total inputs at or above this threshold require full materials balance accounting.

For each reportable substance meeting these thresholds (50 pounds/5 pounds), businesses are required to report inputs and outputs in specific categories such that inputs equal outputs for each chemical for each year. The specific input and output categories are as follows:

Input Types

1. Inventory at the facility at the beginning of the accounting period;
2. Waste stored at the facility at the beginning of the accounting period;
3. Quantity produced at the facility; and
4. Quantity brought to the facility.

Output Types

1. Quantity chemically altered in the facility's processes;
2. Quantity shipped from the facility in product;
3. Quantity transferred away from the facility as waste;
4. Waste stored at the facility at the end of the accounting period;
5. Quantity emitted to the air;
6. Quantity discharged into publicly treated sewage;
7. Quantity released into surface waters;
8. Quantity eliminated through treatment at the facility;
9. Quantity eliminated through energy recovery at the facility;
10. Quantity disposed on-site; and
11. Inventory at the facility at the end of the accounting period.

Important Note: As indicated, not all “outputs” reported under this program are released to the environment. Amounts shipped in product reach the consumer (or the next phase of processing), and may or may not ultimately be released. The ultimate disposition of amounts transferred away from a facility as waste is also unknown.

Businesses are expected to use the best information available to them, and to report quantities to the accuracy of the smallest accounting unit. New measurements are not required for purposes of Eugene's Toxics Right-to-Know Law.

Tracking Instructions: The Toxics Board issues guidance to businesses required to report through the Hazardous Substance Tracking Instructions, and are available on the program's website at: <http://www.eugene-or.gov/index.aspx?NID=1927>.

Funding: The program is funded entirely by fees assessed to hazardous substance users. There is no tax subsidy, although the first three years of the program were supported by City general funds, until the program became self-supporting. The Charter Amendment provides financial penalties of \$250 up to the maximum allowed by state law, currently \$1,000, per day for violations. Any penalties imposed would be used to fund program operations.

Toxics Board: Eugene's Toxics Right-to-Know Program is governed by a seven-member Toxics Board appointed by the City Council. The Toxics Board must at all times include three representatives employed by or agents of businesses required to report under the law, three who have a proven record of environmental advocacy, and one who is nominated by at least four of the other six members.

The Toxics Board is responsible for supplying reporting forms, recommending an annual budget and fee structure for the program, filing an annual report on the program's effectiveness, and overseeing the program compliance and enforcement. The Toxics Board has certain other duties that are given in the Charter Amendment.

About Chemical Names

Synonyms: Many chemicals are known by more than one name – sometimes several. Most often, the actual chemical name (usually describing the structure) is used, but chemicals are also known by shortened names, trade names, and even slang terms. These are synonyms for the actual chemical name. In the Toxics Right-to-Know database, known synonyms are given, and it is possible to search for data on a particular chemical using a synonym.

CAS Numbers: Every known chemical has been assigned a unique number by the Chemical Abstracts Service, or CAS (a division of the American Chemical Society). For example, the chemical isolan is also known as isopropylmethyl-pyrazolyl dimethylcarbamate, but by either name, the chemical has only one CAS number, in this case 119-38-0. Throughout this Citizen Guide you will see references to CAS numbers. Each chemical is required to be reported by name and by corresponding CAS number; members of the public are then able to search the reported data using either.

To determine the CAS number of a chemical, contact Toxics Program staff at 541-682-7118, or consult the [Merck Index: An encyclopedia of Chemicals, Drugs, and Biologicals](#); [Richard Lewis' Hazardous Chemicals Desk Reference](#); or [Sax's Dangerous Properties of Industrial Materials](#).

Special Designations: For purposes of this program, several groups of chemicals have been given special designations. These are:

C	The generic designations C1 through C7 indicate chemicals whose identity (CAS number) is not known to the reporting business, but which are known to possess one or more of the characteristics of hazardous waste as defined in 40 CFR Part 261, Subpart C.
N	The N designation (followed by a three-digit number) indicates chemical categories listed as reportable in SARA 313 (EPA Toxics Release Inventory list of Hazardous Substances). They include any compound that contains the listed chemical as part of its infrastructure.
SG	If a Safety Data Sheet (SDS) lists a substance as reportable under SARA 313 or SARA 302 (EPA Toxics Release Inventory list of Extremely Hazardous Substances), but does not identify the chemical because it is a trade secret of the supplier, the chemical may be reported as SG.
TB	TB followed by a number indicates a chemical or group of chemicals appearing on one or more of the Federal lists of reportable substances cited in the Charter Amendment, but without CAS numbers. The TB designator simply takes the place of a CAS number for these chemicals.

Quick Guide to Accessing Toxics Right-to-Know Data

1. How do I view reported Toxics Right-to-Know data?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then follow the instructions in this Citizen Guide starting on page 7.

2. What if I do not have access to the Internet?

Internet access is available free of charge at the Eugene Public Library.

3. What if I just want to look at printed information?

Some printed information is also available at the Eugene Public Library.

4. Is there a charge for copies at the Library?

Standard Library printing and copying charges will apply.

5. How do I learn about the toxic effects of reported chemicals?

In the Toxics Right-to-Know database, chemical information always includes that chemical's CAS number, which is underlined. By clicking on the CAS number, you will be able to view a description page for that chemical. On the description page are links to Scorecard.org and ChemFinder.com, which provide documented information on toxic effects.

6. How do I get a report for a particular company?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **By Facility** under **Summary Reports**. Then scroll down to find the company you are interested in, and click on the name of the company. Then, using the down-arrow for "Year" in the middle of the screen, select the year or years you are interested in viewing.

7. How do I get a report for a particular chemical?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **By Chemical** under **Summary Reports**. Then scroll down to find the chemical you are interested in, and click on the CAS number for that chemical.

8. How do I get a list of the companies that reported?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Facility List** under **Lists**.

9. How do I get a list of the chemicals that were reported?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Chemical List** under **Lists**.

10. How do I find the CAS number for a chemical?

A CAS number is a unique number assigned to each specific known chemical by the Chemical Abstract Service. If you know the name of the chemical, you may be able to find the CAS number by going to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Chemical List** under **Lists**. (Remember that a specific chemical may be known by more than one name.) To determine the CAS number of a chemical, contact Toxics Program staff at 541-682-7118, or consult the [Merck Index: An encyclopedia of Chemicals, Drugs, and Biologicals](#); [Richard Lewis' Hazardous Chemicals Desk Reference](#); or [Sax's Dangerous Properties of Industrial Materials](#).

11. What if I only want information for a particular part of town?

You may select reports for specific facilities based on their addresses, which are given on the list of companies reporting. You may also generate the list of reporting companies so that it is sorted by zip code. Or, go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Select by zip code and by input or output category** under **Summary Reports**. You may then choose a zip code on the selection page, and you may also choose a particular input or output type, or you may choose "Total inputs" or "Total outputs", either of which will generate information on all reporting companies in the zip code you selected.

12. What if I only want information on the most hazardous substances reported?

Reportable substances are divided by the federal government into two classifications: hazardous substances and extremely hazardous substances (including extremely persistent bioaccumulative toxins). To get information about extremely hazardous substances, go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Select by hazard level and by input or output category** under **Summary Reports**. On the selection page, in the hazard level field, select "Extremely Hazardous Substance/Extremely Persistent Bioaccumulative Toxin." You can then also select a particular input or output type, including input or output totals, before clicking on "Go" to generate your report.

13. How do I learn what is actually being released into the environment?

Go to the Eugene Toxics Right-to-Know Program webpage at: <https://ceapps.eugene-or.gov/toxics/>. Then click on **Summary of facilities and chemicals** either **By Chemical** or **By Facility** under **Summary Reports**. You will then see a report giving, for each company and each chemical, total outputs shipped off-site (as product or waste), and total outputs in those outputs considered by the Toxics Board to be direct releases to the environment.

14. What if I have questions or comments?

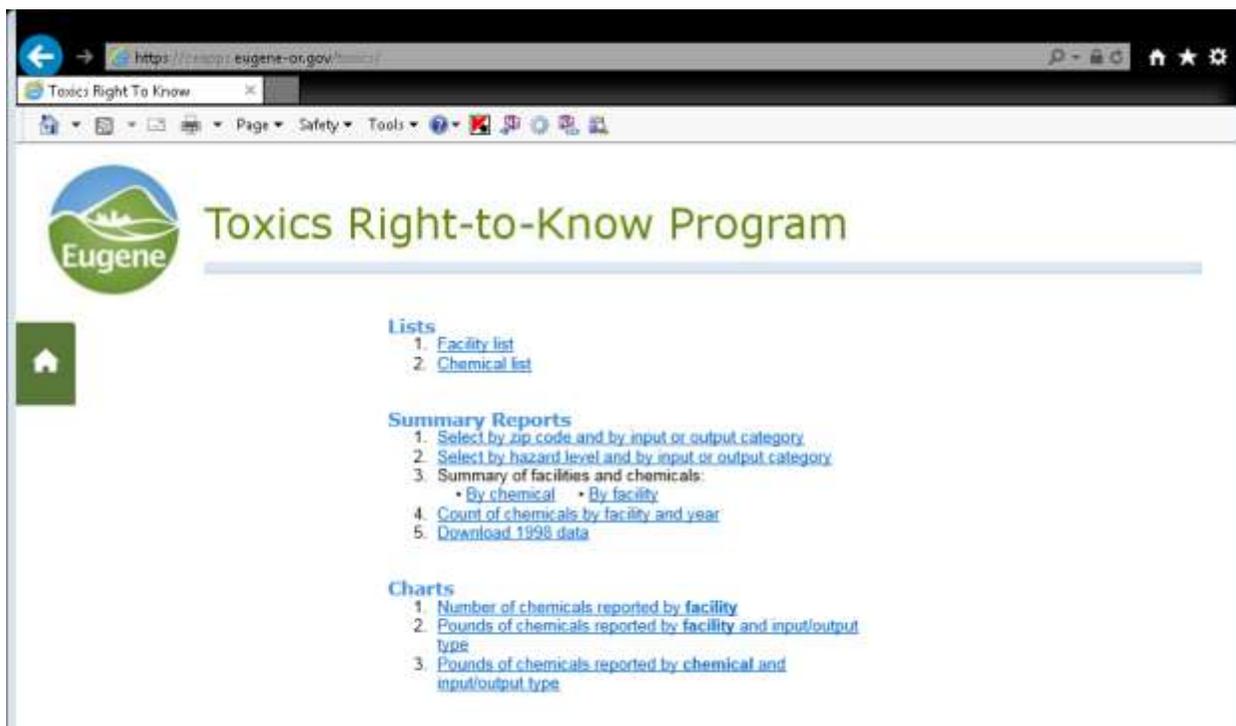
If you have any questions or comments, please contact Toxics Program staff at 541-682-7118. You are also welcome to attend a Toxics Board meeting, where you can speak directly with the Toxics Board or ask the Toxics Board questions? You may also provide comments via the program's website at: www.eugene-or.gov/toxics. The link to the Feedback/Comments form is on the left-hand side.

Accessing Program Data

The information reported under Eugene's Toxics Right-to-Know law is available to the public on the Internet. As an alternative, any citizen may visit the Eugene Public Library and request assistance in accessing and sorting the reported data, or in reviewing printed copies of the data.

The Internet address for Eugene's Toxics Right-to-Know Program data is:
<https://ceapps.eugene-or.gov/toxics/>.

The main page for Eugene's Toxics Right-to-Know Program data looks like this:



The main page provides three options: View Facility and Chemical Lists, Run Summary Reports, and View Charts.

Lists are the option that displays lists of reporting facilities and reportable chemicals. Various sorting options are available.

Summary Reports is the option you would select in order to display data for a particular company, chemical, zip code, input or output type, or some combination.

Charts are the option that allows you to see reported information in graphic (bar chart) format. It operates similarly to Summary Reports.

Viewing Program Facilities and Chemical Lists

When you select the **Facility list** option under **Lists**, the following report is produced:

The screenshot shows a web browser window displaying the Eugene Toxics Right-to-Know Program. The page title is "Toxics Right-to-Know Program" and the sub-page is "Facilities Reporting". Below the title, there is a "Toxics Home" link and a note: "Click on column heading to sort the column." The main content is a table with the following data:

	Abbrev.	Facility	Address	Zip
Detail	A&K Dev.	A&K Development Company	410 Chambers St	97402
Detail	AurorInnov	Aurora Innovations Inc.	29862 E Enid Rd	97402
Detail	BulkHndng	Bulk Handling Systems	460 N Danebo Rd	97402
Detail	CascPlating	Cascade Plating & Machine Inc.	3790 Cross St	97402
Detail	Columbia	Columbia Industrial Products	29538 Airport Rd, Unit A	97402
Detail	WeyerHaeus	ELP Eugene Plant, Weyerhaeuser NR Co.	195 N Bertelsen Rd	97402
Detail	EmForProd	Emerald Forest Products	118 Highway 99N	97402
Detail	Flakeboard	Flakeboard America Ltd	50 N Danebo Ave	97402
Detail	ForrestTec	Forrest Technical Coatings	1011 McKinley St	97402
Detail	GheenA	Gheen Irrigation-Airport / Lake Eugene	29475 Airport Rd	97402
Detail	GheenW	Gheen Irrigation-Willagillespie	1248 Willagillespie Rd	97401
Detail	Griffith	Griffith Rubber Mills	2631 W 5th Ave	97402
Detail	HenryMfg	Henry Manufacturing Inc.	45 Grimes St	97402
Detail	HopValley	Hop Valley Brewing	990 W 1st Ave	97402
Detail	JHBaxter	J H Baxter & Co.	3794 Roosevelt Blvd	97402
Detail	KingRetail	King Retail Solutions / King Design Int.	3850 W 1st Ave	97402
Detail	LanzCabint	Lanz Cabinet Shop Inc	3025 W 7th Pl	97402
Detail	MetalDetec	Metal Detectors Inc.	1001 Terry St	97402
Detail	NewoodProd	Newood Display Fixtures	10 N Seneca Rd	97402
Detail	Ninkasi	Ninkasi Brewing Co.	272 Van Buren St	97402
Detail	OrIceCream	Oregon Ice Cream Company	885 Grant St	97402
Detail	OreRubber	Oregon Tread Rubber	3595 W 1st Ave	97402
Detail	ParkerHan	Parker Hannifin	29289 Airport Rd	97402
Detail	PierceFit	Pierce Fittings Inc.	10 N. Garfield St.	97402
Detail	Purakal	Purakal Cylinders Inc.	1017 S Danebo Ave	97402
Detail	QualMetal	Quality Metal Finishing Inc.	1260 Wallis St	97402
Detail	ScienDevel	Scientific Developments Inc.	175 S Danebo Ave	97402
Detail	SheltnTurn	Shelton Turnbull Printers	3403 W 7th Ave	97402
Detail	SprCreamry	Springfield Creamery Inc.	29440 Airport Rd	97402

From this screen you have two options: Show Current reporting companies or Show All reporting companies. The Show Current option includes only companies currently reporting under the Toxics Right-to-Know Program. The Show All option includes all companies that have reported under the program since 1998.

Then you may click on “Detail” for an individual reporting company to see data reported by that company.

Chemical list: This option displays a list of reportable chemicals under the program in the following format:

Toxics Home
Click on a column heading to sort the column.

Chemicals List

Search for: Search Active: Yes Used in Reports: [All]

Key: ■ Extremely Hazardous Substance ■ Characteristic Chemicals: C=Corrosive, I=Ignitable, R=Reactive, T=Toxic

	CAS Number	Chemical Name	EHS	EPBT	Radioactive	Characteristics	Source Lists
Detail	000354-11-0	1,1,1,2-tetrachloro-2-fluoroethane	N	N	N		SARA 313
Detail	000630-20-6	1,1,1,2-tetrachloroethane	N	N	N		CERCLA, RCRA, SARA 313
Detail	000071-55-6	1,1,1-trichloroethane / solvent	N	N	N		CERCLA, CWA, RCRA, SARA 313
Detail	000354-14-3	1,1,2,2-tetrachloro-1-fluoroethane	N	N	N		SARA 313
Detail	000079-34-5	1,1,2,2-tetrachloroethane	N	N	N		CERCLA, CWA, RCRA, SARA 313
Detail	000079-00-5	1,1,2-trichloroethane	N	N	N		CAA 112(b), RCRA, CERCLA, CWA, SARA 313
Detail	000075-35-4	1,1-dichloroethylene	N	N	N		CERCLA, CWA, RCRA, SARA 313
Detail	000078-99-9	1,1-dichloropropane	N	N	N		CERCLA
Detail	005124-30-1	1,1-methylene bis(4-isocyanatocyclohexane)	N	N	N		CERCLA, SARA 313
Detail	119345-04-9	1,1-OXYBIS, TETRAPROPYLENE BENZENE, DERIVATIVES, SULPHONATED, SODIUM SALTS	N	N	N	C	TX025
Detail	003268-87-9	1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	039001-02-0	1,2,3,4,6,7,8,9-octachlorodibenzofuran	N	Y	N		SARA 313
Detail	035822-46-9	1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	067562-39-4	1,2,3,4,6,7,8-heptachlorodibenzofuran	N	Y	N		SARA 313
Detail	055673-89-7	1,2,3,4,7,8,9-heptachlorodibenzofuran	N	Y	N		SARA 313
Detail	039227-28-6	1,2,3,4,7,8-hexachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	070648-26-9	1,2,3,4,7,8-hexachlorodibenzofuran	N	Y	N		SARA 313
Detail	057653-85-7	1,2,3,6,7,8-hexachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	057117-44-9	1,2,3,6,7,8-hexachlorodibenzofuran	N	Y	N		SARA 313
Detail	019408-74-3	1,2,3,7,8,9-hexachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	072918-21-9	1,2,3,7,8,9-hexachlorodibenzofuran	N	Y	N		SARA 313
Detail	040321-76-4	1,2,3,7,8-pentachlorodibenzo-p-dioxin	N	Y	N		SARA 313
Detail	057117-41-6	1,2,3,7,8-pentachlorodibenzofuran	N	Y	N		SARA 313

From this screen you may click on “Detail” next to the CAS number for a chemical to view additional details about that chemical.

This list is sorted alphabetically, but it begins with chemicals whose names begin with numbers, and these are sorted in numerical order. For each chemical, the CAS number is given, along with the source list (Federal list on which the chemical appears) or other designation used by this program. To the right, additional information for each chemical is

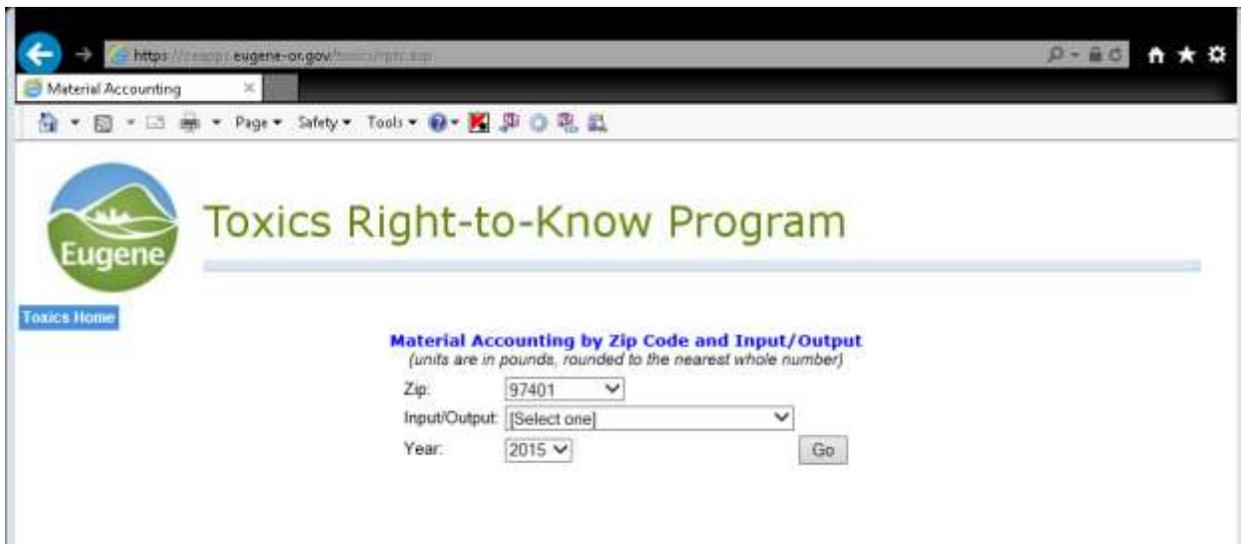
given. This list can also be sorted by CAS number, Source Lists, EHS, EPBT or Characteristic, by clicking on the column heading.

From this screen you may also search for a chemical in the database if you know the beginning of the chemical's name, any part of its name, or its CAS number. Enter the beginning of the chemical's name, any part of the chemical's name, or the CAS number in the **Search for** box, and click on "Search". The computer will then display a list of chemicals in the database that match the descriptive information you provided, and you may select from these options.

Summary Reports

The Summary Reports option is the easiest means of sorting reported data in order to generate the report that you want. Under Summary Reports, you are presented with five options: Select by zip code and by input or output category, Select by hazard level and by input or output category, Summary of facilities and chemicals, Count of chemicals by facility and year, and Download 1998 data.

Select by zip code and by input or output category: When you choose this option, the computer allows you to select a Eugene zip code (or all Eugene zip codes), then select a specific input or output type, and generate a report listing all chemicals (with types and quantities of inputs or outputs) reported in the zip code(s) and input/output type you select. The selection screen looks like this:



The screenshot shows a web browser window with the URL <https://easdp.eugene-or.gov/toxics/matr.asp>. The page title is "Material Accounting" and the main heading is "Toxics Right-to-Know Program" with the Eugene logo. A "Toxics Home" link is visible. The main content area is titled "Material Accounting by Zip Code and Input/Output" with a note "(units are in pounds, rounded to the nearest whole number)". Below this, there are three dropdown menus: "Zip:" with "97401" selected, "Input/Output:" with "[Select one]" selected, and "Year:" with "2015" selected. A "Go" button is located to the right of the Year dropdown.

On this screen there are three selection fields: one for zip code; one for input/output type; and one for year. Using the down-arrow to the right of each of these fields, click on your selections so that they appear in the fields, and then click on the "Go" button.

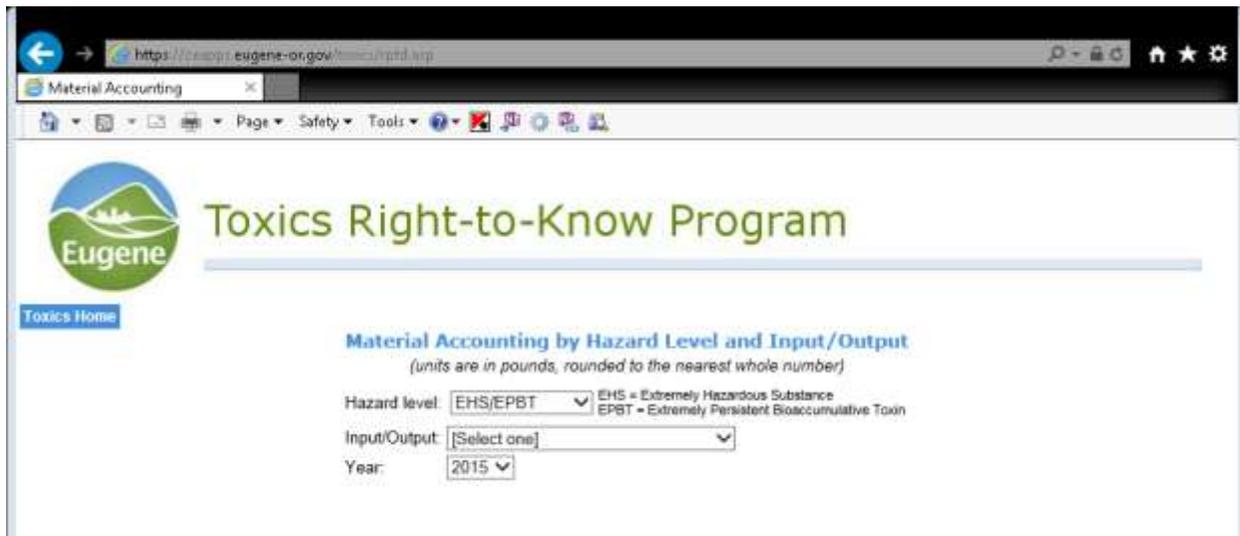
You will then see a report in the following format:



In this report, which is restricted to a particular zip code (unless you selected “All Eugene Zips”) and a single input or output type (which could be “Input Total” or “Output Total”), chemical names are listed in alphabetical order down the left-hand side, with their corresponding CAS numbers listed down the middle. On the right, for each chemical listed, the companies reporting that chemical in the selected input/output type are listed, with the quantities reported.

Select by hazard level and by input or output category: Choosing this option allows you to generate a report restricted to either hazardous substances only or to extremely hazardous substances and extremely persistent bioaccumulative toxins only, again for a single input or output type.

In this option, the selection screen looks like this:



On this screen there are again three selection fields: one for hazard level; one for input/output type; and one for year. Using the down-arrow to the right of each of these fields, click on your selections so that they appear in the fields, and then click on the “Go” button.

You will then see a report in the following format:

Eugene Toxics Right-to-Know Program

Material Accounting by Hazard Level and Input/Output
(Units are in pounds, rounded to the nearest whole number)

Hazard level: **EHS/EPBT** (EHS = Extremely Hazardous Substance, EPBT = Extremely Persistent Bioaccumulative Toxin)
 Input/Output: **Output 5 - Emitted to Air**
 Year: **2015**

Totals:		Year	Output 5
		2015	38,093
Chemical Name	Facility	Year	Output 5
EHS: 1-chloro-2,3-epoxypropane / epichlorohydrin / oxirane, (chloromethyl)- / 000106-59-8	Thermo Fisher Scientific/Molecular	2015	2
Total for 000106-59-8			2
EHS: acrylyl chloride / 00014-68-8	Thermo Fisher Scientific/Molecular	2015	0
Total for 00014-68-8			0
EHS: ammonia / 007664-41-7	Flakeboard America Ltd	2015	311
EHS: ammonia / 007664-41-7	Willamette Valley Company (596)	2015	58
Total for 007664-41-7			369
EHS: chlorine / 007782-50-5	Thermo Fisher Scientific/Molecular	2015	0
Total for 007782-50-5			0
EHS: ethylenediamine / 000107-15-3	Forest Technical Coatings	2015	0
Total for 000107-15-3			0
EHS: formaldehyde / 000250-50-0	ELP Eugene Plant, Weyerhaeuser NR Co	2015	2,511
EHS: formaldehyde / 000250-50-0	Emerald Forest Products	2015	2,399
EHS: formaldehyde / 000250-50-0	Flakeboard America Ltd	2015	10,340
EHS: formaldehyde / 000250-50-0	Griffith Rubber Mills	2015	7

In this report, which is restricted to a particular hazard level (unless you selected “All Chemicals”) and a single input or output type (which could be “Input Total” or Output Total”), chemical names are listed in alphabetical order down the left-hand side, with their corresponding CAS numbers. On the right, for each chemical listed, the companies reporting that chemical in the selected input/output type are listed, with the quantities reported.

In practice, this report will probably be most useful for extracting extremely hazardous substances from the database.

Summary of facilities and chemicals: This report lists all reporting companies and all chemicals reported. Additionally, this report sorts into three groups: Transferred Away, Environmental Releases and Usage illustrative of environmental impact.

- **Transferred Away:** Total of Output 2 (Shipped as Product) and Output 3 (Shipped as Waste)

If, at selection for **Summary of facilities and chemicals**, you click on “By Facility,” the report will look like this:

Eugene Toxics Right-to-Know Program

Summary Report of All Facilities and Chemicals
(units are in pounds, rounded to the nearest whole number)
Year: 2015

		Total	Year	H	Q	T	R	Input Total	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	Output Total	Transfer (Net G)	Transfer (Net G)	Waste (G)
		2015	819,212	22,340	326,906	10,006,847	11,970,985	1,614,754	0,407,478	326,190	23,484	500,638	301,372	200	27,840	320	3,830	767,463	11,975,571	8,736,677	806,048	11,186,762	

AMS Dev.	Chemical Name / CAS# No.	Year	H	Q	T	R	Input Total	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	Output Total	Transfer (Net G)	Transfer (Net G)	Waste (G)	
	ethane, tetrahalo- / perfluorocethylene / tetrafluoroethene hexafluoroethylene / 000127-33-8	2015	43	12	0	885	1,940	0	886	0	12	0	0	0	0	0	0	0	1,060	886	0	888	
	ethylbenzene / 000192-61-4	2015	47	47	0	2,136	2,230	0	1,951	64	0	0	0	0	0	0	0	0	213	2,228	2,015	0	1,978
	methyl ethyl ketone / 000079-50-5	2015	148	98	0	5,364	5,800	0	5,126	0	116	0	0	0	0	0	0	0	566	5,800	5,126	0	5,144
	methyl isobutyl ketone / hexane / 000199-50-1	2015	558	93	0	1,990	2,399	0	1,997	0	50	0	0	0	0	0	0	0	442	2,389	1,907	0	1,967
	methylene diisocyanate (4,4'-) / methylenebis(isocyanate) / urea / 000101-68-2	2015	1,388	6,455	0	59,850	67,591	0	45,296	0	15,568	0	0	0	0	0	0	0	6,916	67,691	45,296	0	54,320
	toluene / methylbenzene / 000108-88-3	2015	1,291	196	0	669	2,156	0	2,036	0	53	0	0	0	0	0	0	0	58	2,157	2,036	0	1,992
	xylenes / xylenes (isomers and mixtures) / 001203-27-7	2015	162	188	0	7,360	8,220	0	7,426	0	168	0	0	0	0	0	0	0	629	8,220	7,426	0	7,483
Total			3,444	6,566	0	79,158	90,964	0	64,838	64	15,975	0	0	0	0	0	0	0	9,066	89,963	64,702	0	73,717

Resaltolite	Chemical Name / CAS# No.	Year	H	Q	T	R	Input Total	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	Output Total	Transfer (Net G)	Transfer (Net G)	Waste (G)	
	benzoic acid / 000203-26-0	2015	128	0	0	1,874	2,009	0	1,574	0	0	0	0	0	0	0	0	0	436	2,009	1,574	0	1,574
	chloric acid / 000077-62-9	2015	1,143	0	0	46,000	47,143	0	43,013	0	0	0	0	0	0	0	0	0	4,130	47,143	43,013	0	43,013
	phosphoric acid / 007664-38-2	2015	9,586	0	0	30,100	36,690	0	30,020	0	0	0	0	0	0	0	0	0	8,654	36,680	30,026	0	30,026
	potassium hydroxide / 001312-50-1	2015	843	0	0	12,993	13,536	0	11,993	0	0	0	0	0	0	0	0	0	2,533	13,536	11,003	0	11,003
Total			10,001	0	0	90,967	97,368	0	85,516	0	0	0	0	0	0	0	0	0	15,752	101,366	86,610	0	86,610

Dalfrin	Chemical Name / CAS# No.	Year	H	Q	T	R	Input Total	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	Output Total	Transfer (Net G)	Transfer (Net G)	Waste (G)	
	acetone / 2-propanone / 00067-64-1	2015	388	0	0	27,406	27,763	0	0	0	0	0	27,406	0	0	0	0	0	368	27,763	0	27,406	27,406
	acetylene / 000074-85-2	2015	0	0	0	1,816	1,816	1,756	0	0	0	0	0	0	0	0	0	0	100	1,816	0	0	1,716
	chemours / 007443-43-1	2015	0	0	0	7,576	7,576	0	0	7,576	0	0	0	0	0	0	0	0	0	7,576	7,576	0	7,576

On this report, the reporting companies are listed in alphabetical order in the left-hand column. Chemicals reported by each company (with their corresponding CAS number) are then given, also in alphabetical order, to the right of the company’s name. For each chemical and company, quantities and totals are given for each input and output type.

On this page you have the option of selecting a single reporting year or all reporting years.

Count of chemical by facility and year: Selecting this option simply provides a display of the number of chemicals reported by each reporting facility for each reporting year, in the following format:

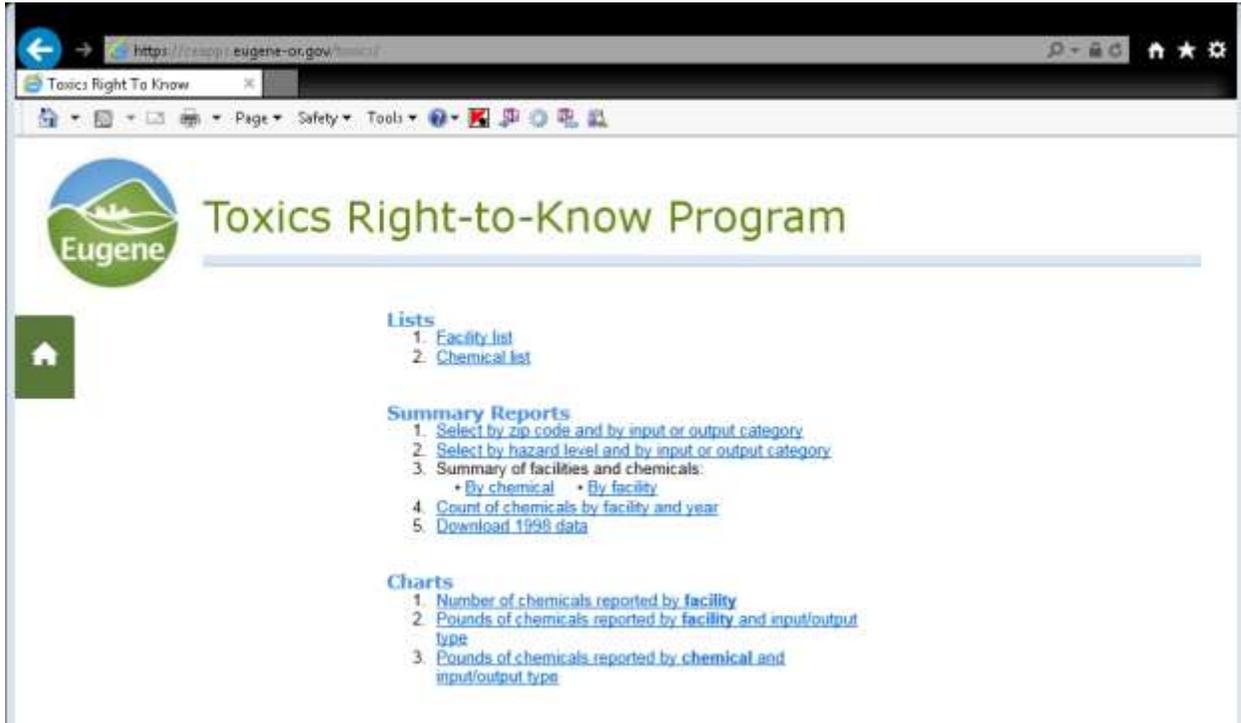
The screenshot shows the Eugene Toxics Right-to-Know Program website. The page title is "Toxics Right-to-Know Program" and the sub-section is "Facilities Reporting". A dropdown menu shows the year "2015". Below this is a table with three columns: "Facility", "Year", and "# of Chemicals".

Facility	Year	# of Chemicals
ASK Development Concepts	2015	8
Aurora Innovations Inc.	2015	4
Bull Handling Systems	2015	13
Cascade Plastics & Machine Inc.	2015	3
Colson's Industrial Products	2015	2
ELP Eugene Plant, Weyerhaeuser Mill Co.	2015	26
Emmold Forest Products	2015	14
Fabcovent America Ltd	2015	26
Forest Technical Consulting	2015	126
Gibson Insulators Asset / Lark Eugene	2015	17
Gibson Insulators Willapa/Wasco	2015	15
Goffly Rubber Mills	2015	23
Henny Manufacturing Inc.	2015	12
High Valley Brewing	2015	26
J.H. Boster & Co.	2015	17
King Royal Solutions / King Orange Int.	2015	34
Lars Cabinet Shop Inc.	2015	29
Medal Detection Inc.	2015	11
Newport Clapnet Products	2015	27
Northam Sawing Co.	2015	4
Oregon Ice Cream Company	2015	17
Oregon Tread Rubber	2015	2
Parker Herculite	2015	26
Planet Filtrage Inc.	2015	24
Punkat Cylinders Inc.	2015	15
Quality Metal Finishing Inc.	2015	26
Security Development Inc.	2015	9
Shelton Lumber Products	2015	26
Springfield Company Inc.	2015	16

Download 1998 data: Selecting this option provides you with the options to open or save a report of hazardous substance data reports from 1998, which was the first reporting year for the Eugene Toxics Right-to-Know Program.

Viewing Program Data Charts

From the main page for Eugene's Toxics Right-to-Know Program data, you can select from the following three chart options: Number of chemicals reported by facility, Pounds of chemicals reported by facility and input/output type, Pounds of chemicals reported by chemical and input/output type.



Selecting any of the above-mentioned three options will create a display in bar-graph format.

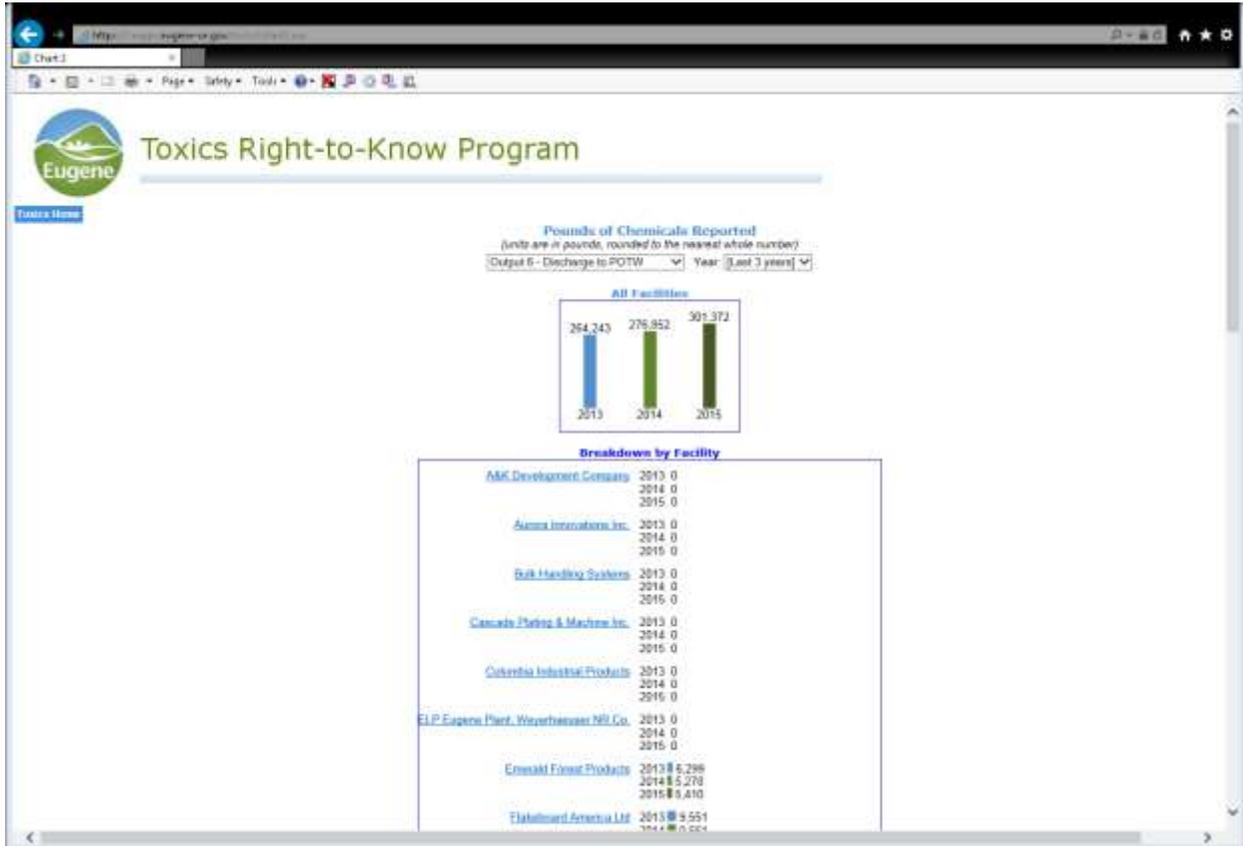
Number of chemicals reported by facility:



This chart displays, in graphic format, the total number of chemicals reported for each reporting year, followed by the number reported by each reporting facility for each reporting year. Using the down-arrow for “Year” in the middle of the screen, you can select the year or years you are interested in viewing.

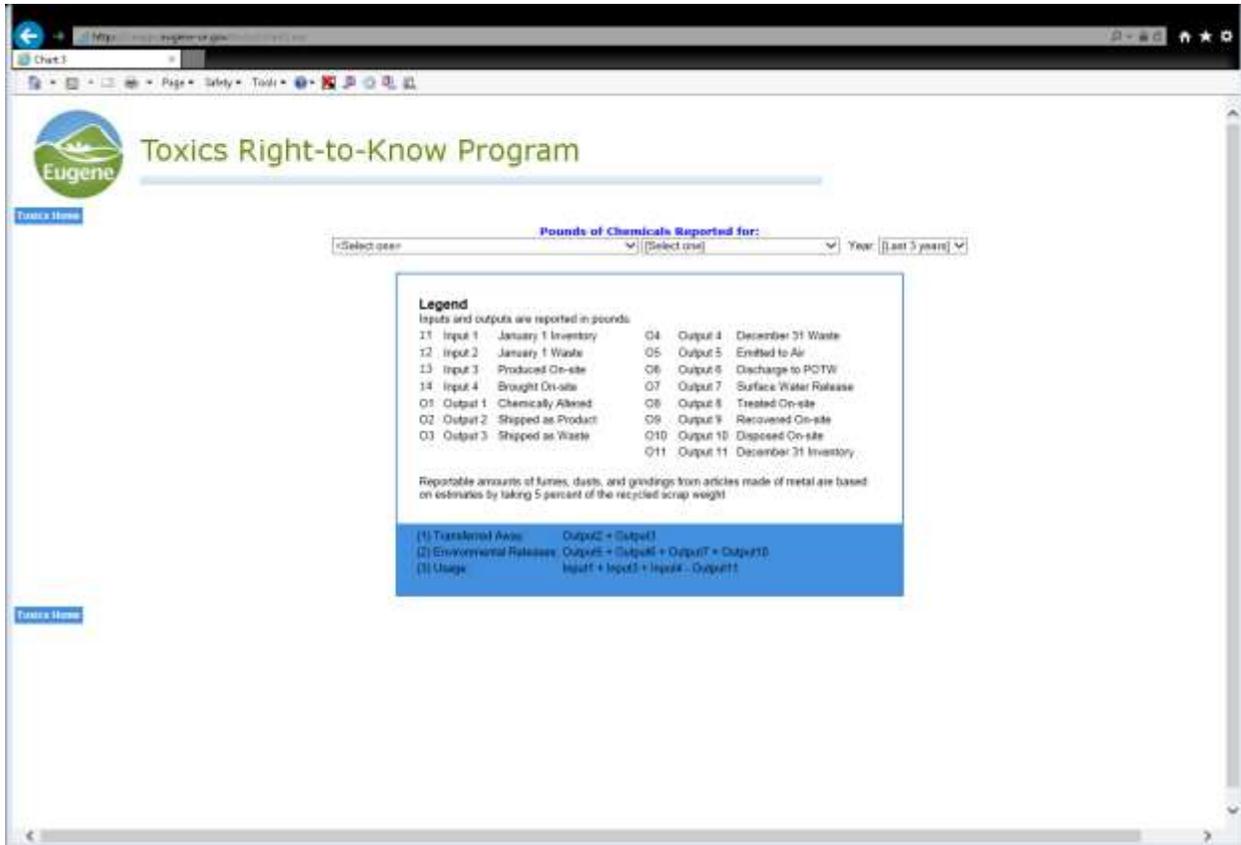
Pounds of chemicals reported by facility and input/output type:

After selecting this option, you are asked to select an input or output type, and then the data for that category, for all companies by reporting year, is presented in bar-chart format such as the following in which Output 6 (discharge to Publicly Owned Treatment Works) for the Last 3 years has been selected:



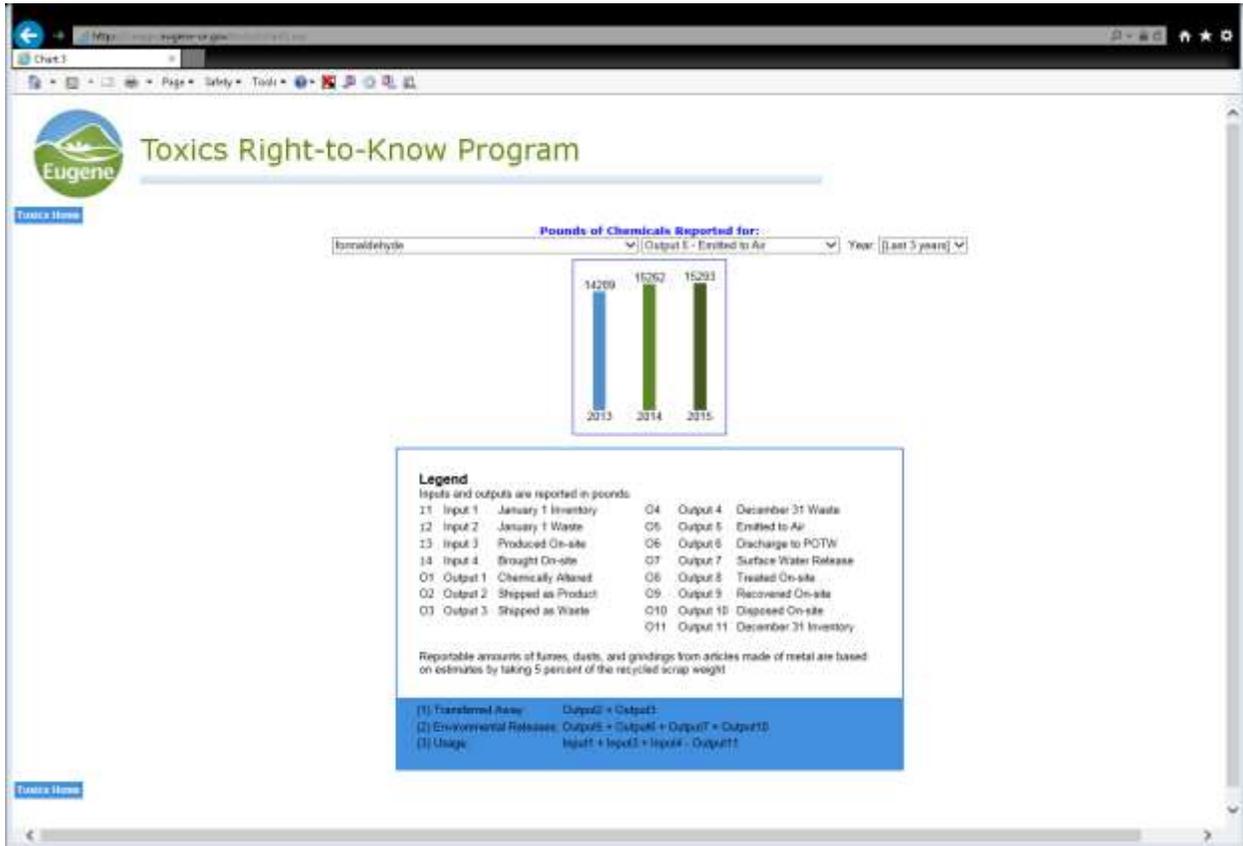
Pounds of chemicals reported by chemical and input/output type:

Selecting this option displays a screen allowing you to select a chemical and an input or output type that looks like this:



On this screen, using the drop-down menus provided, select a chemical and an input/output type and click on "Go."

Then a chart such as the following will be displayed in which the chemical formaldehyde and Output 5 (Emitted to Air) for the Last 3 years has been selected:



Note that this chart does not provide data for individual companies, but instead gives aggregates for all reporting companies for each reporting year.

Printing Tips

For most reports, normal printing procedures will produce useable hard copies. In some instances, however, the report may be wider than will fit on an 8½" x 11" page in portrait (normal) orientation. Usually this will be evident when viewing a report on the computer screen. In these cases, one of the following three steps (or possibly two or all three in combination) should enable you to print a useable report:

- Choose a paper orientation of Landscape (sideways).
- Reduce the left and right margins.
- If still needed, modify the font size.

Assistance with printing is available at the Eugene Public Library.

Program Chronology

1996

- Eugene's Toxics Right-to-Know Program enacted
- Twelve-count lawsuit filed against the City of Eugene by Eugene businesses

1997

- First Toxics Board Members appointed

1998

- Initial reporting year

1999

- First materials balance reports received and made public
- Oregon Court of Appeals finds fault with City's fee system
 - all fees collected to that point returned to reporting businesses; new fee system adopted
 - chemicals listed pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and those chemicals defined as pesticides under ORS 634.006(8) are deemed no longer reportable
- Eugene City Council adopts Eugene Code (EC) 3.690 to 3.696
 - resulted in a second tier of businesses being required to pay fees, but not being required to file reports
- State Legislature adopts House Bill 2431
 - Eugene required to reduce its maximum fine for violations to \$1,000 per day
 - Eugene required to adopt a fine schedule indicating the severity of potential fines for different types of violations

2002

- Oregon Court of Appeals upholds new fee system

2003

- State-imposed fee cap of \$2,000 per facility [provided by HB 2431] takes effect (ORS 453.370(2)(b))

Appendix A: Toxics Right-to-Know Charter Amendment

(Excerpt from Eugene City Charter (including 2002 amendments)):

Section 54. Amendment IV.

The City of Eugene Charter is hereby amended as follows:

ARTICLE I - FINDINGS AND STATEMENT OF LOCAL PROBLEM

Section 1. The people of Eugene do hereby find that:

- A. exposure to toxic chemicals can damage human health and the environment; and
- B. citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.

ARTICLE II – SCOPE

Section 2.1. Facilities covered by this Section.

- A. Except as exempted in Section 2.2, this Section shall apply to facilities within the City of Eugene that are:
 1. within the Standard Industrial Code categories #20 - #39, inclusively as listed in Standard Industrial Classification Manual (Office of Management and Budget, 1987);
 2. solid waste incinerators that accept infectious waste; and
 3. hazardous waste disposal incinerators.

Section 2.2. Facilities exempted by this Section. This Section shall not apply to:

- A. state and federal facilities; and
- B. public educational institutions.

ARTICLE III – DEFINITIONS

Section 3. As used in this Section, the following definitions shall apply:

- A. "Extremely hazardous substance" means all substances listed in Section 302 of the Emergency Planning and Community Right-To-Know Act (42 USC 11002) as of the effective date of this Section. If a substance is added to or removed from the federal list of reportable substances under section 302 of 42 USC 11002, the Toxics Board may recommend to the City Council that the substance be added to or removed from the definition of "extremely hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.
- B. "CAS number" means the identification number assigned to a substance by the Chemical Abstract Service.

- C. "Chemical Name" means the scientific designation of a substance in accordance with the nomenclature system developed by the Chemical Abstract Service.
- D. "Facility" means all buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites and that are owned or operated by the same person(s) and relate to a common product or service.
- E. "Hazardous substance" means:
 - 1. any substance listed or described, as of the effective date of this Section, on any of the following lists of chemicals regulated or identified as of concern:
 - (a) Section 112(b) of the Clean Air Act(CAA) as amended in 1990 (Hazardous Air Pollutants); 42 USC 7412(b);
 - (b) Section 602(b) of the CAA (Class II ozone depleting substances); 42 USC 7671a.(b);
 - (c) Section 307(a) of the Clean Water Act (CWA) (Priority Pollutant List); 33 USC 1317(a);
 - (d) U.S. Environmental Protection Agency Active Ingredients, including Special Review, Canceled/Denied or Suspended, and Restricted Use Pesticides, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
 - (e) U.S. Environmental Protection Agency List 1 Inert Ingredients of Pesticides ("Inerts of Toxicological Concern"), pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136 et seq.);
 - (f) Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 42 USC 9602;
 - (g) Section 3001 of the Resource Conservation and Recovery Act (RCRA; 42 USC 6921) and chemicals listed at 40 CFR 261.33 (e) and Appendix VIII.
 - 2. any substance which, if it were in a container, would possess the characteristics of a hazardous waste, as defined in 40 CFR 261.20 through §261.24, authorized by RCRA;
 - 3. radioactive waste and material as defined in ORS 469.300 and radioactive substance as defined in ORS 453.005;
 - 4. any substance, regardless of quantity, required to be reported pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); 42 USC 11002; or
 - 5. If a substance is added to or removed from the lists described in Article III, Section 3 E.1. or E.4. of this Section, the Toxics Board may recommend to the city council that the substance be added to or removed from the definition of "hazardous substance" in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.

- F. "Hazardous substance user" means: the owner and/or operator of a commercial or public facility that is stationary within the boundaries of the City of Eugene and that:
 - 1. has a total input of more than 2,640 pounds of hazardous substances during a calendar year;
 - 2. employs ten or more full-time equivalent employees;
 - 3. is not exempted pursuant to Section 2 .2.
- G. "Input" means the sum of the following categories of each hazardous substance:
 - 1. inventory at the facility at the beginning of the accounting period;
 - 2. waste stored at the facility at the beginning of the accounting period;
 - 3. quantity produced at the facility; and
 - 4. quantity brought to the facility.
- H. "Materials balance" means an accounting of the flow of individual hazardous substances into a facility, through its processes, and into its products and wastes such that inputs equal outputs of each hazardous substance to the accuracy of the smallest accounting units (Article III(K)) for each hazardous or extremely hazardous substance.
- I. "Output" means the sum of the following categories of each hazardous substance:
 - 1. quantity chemically altered in the facility's processes;
 - 2. quantity shipped from the facility in product;
 - 3. quantity transferred away from the facility as waste;
 - 4. waste stored at the facility at the end of the accounting period;
 - 5. quantity emitted to the air;
 - 6. quantity discharged into publicly treated sewage;
 - 7. quantity released into surface waters;
 - 8. quantity eliminated through treatment at the facility;
 - 9. quantity eliminated through energy recovery at the facility;
 - 10. quantity disposed on-site; and
 - 11. inventory at the facility at the end of the accounting period.
- J. "Person" means an individual, corporation, partnership, trust, association, the City of Eugene, or any officer, agent, or employee thereof.
- K. "Smallest accounting unit" means 2.2 pounds of a hazardous substance; 0.022 pounds of an extremely hazardous substance.
- L. "Trade secret information" means information which is exempted from disclosure as a trade secret pursuant to any Federal or State law including but not limited to 42 U.S.C. 11042(b) of the Federal Emergency Planning and Community Right to Know Act.

ARTICLE IV – RESOLUTION

Section 4. Be it resolved and ordained by the people of Eugene that: all hazardous substance users in Eugene shall file an annual, public, materials balance report listing inputs and outputs of all hazardous substances obtained, used, or generated.

ARTICLE V - HAZARDOUS SUBSTANCES PUBLIC REPORTING

Section 5.1. Materials balance reporting

- A. Materials balance reports shall indicate the weight in pounds of hazardous substances in each of the categories enumerated in Article III(G) and III(I).
- B. Each hazardous substance shall be designated by full chemical name and CAS number.
- C. All materials balance reports shall be filed electronically on forms provided by the Toxics Board as defined in Section 6.1 of this Section. These completed forms shall be compatible with the Eugene Public Library's computer system. These forms, common to all reporting entities, shall be in an easily understood format for both the reporting entity and the public.
- D. An authorized representative of the reporting facility shall file a signed declaration with the Toxics Board certifying that the facility has filed the report and that it is accurate and complete.
- E. The materials balance reports shall be filed by April 1 of each year for the previous calendar year.
- F. The repository for all materials balance reports shall be the Eugene Public Library, where they shall be readily accessible by the public for seven years after reporting. Reports older than seven years shall be archived by the City Records Office.

Section 5.2. Reporting related to trade secret chemicals.

- A. If a claim of trade secrecy is made by any hazardous substance user for one or more hazardous substances, that user must:
 1. file with the Office of the Fire Marshal a notarized report documenting that the hazardous substance is comprised of a substance which satisfies all conditions of the definition of trade secret information as found in Article III(L). A separate report must be filed for each trade secret chemical. The notarized report shall be on file with the Fire Marshal prior to commencement of procurement or production of each trade secret chemical.
 2. file with the Toxics Board, on a form provided by the Toxics Board, notification of each trade secret report filed with the Office of the Fire Marshal.
 3. file with the Toxics Board, on a form provided by the Toxics Board, an aggregate materials balance account for all trade secret hazardous substances, if trade secrecy is claimed for more than one hazardous substance by any hazardous substance user. This report shall be filed by April 1 of each year.
 4. file with the Toxics Board, prior to April 1 of each year, an annual, public report prepared by a qualified independent auditor, on a form supplied by the Toxics Board, which reports:

- (a) whether the hazardous substance user has taken and is taking the greatest possible precautions in its use of each trade secret hazardous substances; and
 - (b) whether or not there are, for each trade secret chemical, technological options available for using alternative processes or chemicals that likely are more protective of workers, the community, and natural resources.
- B. The repository for the annual public reports on use and alternatives to use of trade secret chemicals shall be the Eugene Public Library, where the reports shall be readily accessible for seven years after reporting. These completed forms shall be readable by the Eugene Public Library's computer system. Reports older than seven years shall be archived by the City Records Office.

ARTICLE VI - ADMINISTRATION OF HAZARDOUS SUBSTANCE REPORTING

Section 6.1. Appointment of the Toxics Board

- A. The City Council shall appoint a Toxics Board of seven people to enforce and implement this Section.
 - 1. Three members shall be appointed who are employed by or are agents of "persons" required to report under this Section.
 - 2. Three members shall be appointed who are not employed by or are not agents of "persons" required to report under this Section, and who have a demonstrable record of advocating for the public's right-to-know.
 - 3. One member shall be nominated by a two-thirds majority of the six appointed members.
- B. Any vacancies in the membership of the Toxics Board shall be filled, so as to maintain the balance set forth in Section 6.1(A), within two months of the creation of a vacancy.
- C. Term of Office:
 - 1. The term of office shall be three years, except that two members, one from Section 6.1(A)(1) and one from Section 6.1(A)(2), of the first Toxics Board shall be appointed to serve a first term of one year; three members, one each from Section 6.1(A)(1), 6.1(A)(2) and 6.1(A)(3) shall be appointed to serve a first term of two years; and two members, one from Section 6.1(A)(1) and 6.1(A)(2), shall be appointed to serve a first term of three years. No member shall serve more than two consecutive terms.
 - 2. Beginning in 2003, the terms of members of the Toxics Board shall conform to those of the standing committees to the City Council as defined by and set in the City Code.

Section 6.2. Responsibilities of the Toxics Board

- A. The Toxics Board shall, within three months of appointment of the sixth member, supply forms for materials balance reports and audits of

precautions taken during use and alternatives to use of chemicals for which the trade secrecy reporting exemption has been invoked.

- B. The Toxics Board shall annually:
 - 1. recommend the fee structure necessary to implement this Section;
 - 2. establish the qualifications necessary for a person to independently audit precautions used with trade secret chemicals, and independently audit the existence of technological alternatives that likely would be more protective of the environment, as required in Section 5.2(A)(4); and
 - 3. file a public report on the effectiveness of implementation of this Section, and any recommendations for improved implementation of this Section.
- C. By May 1 of each year, the Toxics Board shall report to the Fire Marshal the names of any hazardous users in non-compliance with the requirement to file materials balance reports.
- D. The Toxics Board shall cause to be published a notice listing the names of non-complying entities in a daily newspaper with general circulation in the city of Eugene by June 1 of each year.
- E. The office of the City Fire Marshal shall investigate all credible evidence that hazardous materials balance reports or trade secret chemical reports are not being filed in compliance with this Section.
- F. The office of the City Fire Marshal shall audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years. Companies to be audited shall be given an advance audit notification of no more than one month.
- G. The Toxics Board shall certify the qualifications of independent auditors who will audit the precautions used by hazardous substance users with trade secret chemicals and the technological options available for more protective alternatives. Documentation for certification of the qualifications of each auditor shall be public information.
- H. For the purposes of complying with Section 5.2(A)(4), hazardous substance users may hire only independent auditors certified by the Toxics Board pursuant to Section 6.2(G).

Section 6.3. Responsibilities of the City Manager

The City Manager shall consult with the Toxics Board in order to jointly determine the appropriate support services that shall be provided to the Toxics Board by City employees for the implementation of this Section. As set forth in Article VII(A), the cost of these support services shall be paid by fees collected pursuant to this Section.

ARTICLE VII - FEES

Section 7.

- A. Each hazardous substance user shall pay an annual fee to the City of Eugene, sufficient to jointly cover the implementation of this Section, including

expenses incurred by the Eugene Public Library, Fire Marshal, City of Eugene and the Toxics Board.

- B. In order that this Section be self-supporting through hazardous substance user fees, the fee amounts shall be recommended annually by the Toxics Board and approved and amended as necessary by the Eugene City Council.
- C. All fees due under this Section shall be paid by May 1 of each calendar year.
- D. The operational budget for implementing this Section prior to the first collection of fees as set forth in Article VII shall be paid for out of City of Eugene general funds. The operational budget thereafter shall be funded wholly by hazardous substance user fees.

ARTICLE VIII – ENFORCEMENT

Section 8.1. Toxics Board enforcement and judicial review

- A. In the event of noncompliance, the Toxics Board shall have the authority to enforce the reporting requirements of this Section and impose penalties as set forth in Section 8.2.
- B. Any person may appeal a Toxics Board decision to the Circuit Court of Lane County, pursuant to the procedures providing for a writ of review (ORS 34.010) or a writ of mandamus (ORS 34.105).

Section 8.2. Penalties

- A. Any hazardous substance user or person who violates this Section shall be subject to a penalty not less than \$250 per day and not greater than the maximum penalty allowed by state law.
- B. Each day that a violation continues shall be considered a separate violation subject to civil penalties. A violation occurs when a regulated entity fails to file a complete and correct report on or before the day the filing of a report is required.
- C. In determining the appropriate amount of the penalty, the following shall be considered:
 - 1. the likelihood at the time of the noncompliance that harm would arise from the violator's noncompliance;
 - 2. the degree of the violator's awareness of that likelihood;
 - 3. the profits reasonably related to the violator's non-compliance;
 - 4. the duration of the non-compliance and any concealment of it;
 - 5. the attitude and conduct of the violator upon discovery of the concealment;
 - 6. the number of previous violations by the specific violator of this Section;
 - 7. the financial condition of the violator;
 - 8. the total deterrent effect upon the specific violator at issue and other potential violators; and
 - 9. other penalties paid by the specific violator for the specific violations at issue.

- D. Any penalties imposed under this Section or Section 8.3 shall be paid to the City of Eugene for use in implementing this Section.
- E. If a hazardous substance user repeatedly violates this Section in a fashion contrary to the public interest, the City Manager shall order that hazardous substance user to cease and desist using hazardous substances in the City of Eugene.
- F. Nothing in this Section is intended to restrict or limit any other enforcement remedies available, at law or in equity, arising out of the same circumstances upon which an alleged violation of the Section may be based.

Section 8.3. Citizen enforcement

- A. Any person may petition to the Toxics Board on her/his own behalf against a hazardous substance user or person for failure to comply with any of the terms of this Section. The Toxics Board shall set forth procedures by which persons may petition the Toxics Board.
- B. The Toxics Board must issue a decision in response to a petition within 45 days of receiving the petition. If the Toxics Board fails to issue a decision within 45 days, the petition shall be deemed denied on the 45th day for the purpose of exhaustion of remedies and may be judicially reviewed pursuant to Section 8.1(B).
- C. The petitioner must notify the Toxics Board and alleged violator ten days prior to seeking judicial review, except that such action may be brought immediately after such notification in the case of an action under this Section respecting an emergency posing a significant risk to the well-being of workers, people present in the community, or any species of fish or wildlife or plants.
- D. No action may be commenced under paragraph A of this Section if the City of Eugene has commenced an action to impose a penalty pursuant to Section 8.2 and is pursuing a prompt resolution of that action.

ARTICLE IX - EXCLUSIONS

Section 9.

- A. Nothing in this Section is intended to apply to the government of the United States or to the government of the State of Oregon, or to the agencies or political subdivisions of either government.
- B. Nothing in this Section is intended to restrict, impede, or otherwise interfere with the exercise of rights guaranteed by the United States Constitution or the Constitution of the State of Oregon.

ARTICLE X – IMPLEMENTATION

Section 10. Insofar as it is reasonable and practicable to so assume, the provisions of this Section are intended to be self-executing. In every other case, however, and any other provision of the Eugene City Charter or the ordinances of the City of Eugene notwithstanding, the City Council shall, upon recommendation of the Toxics Board and without unreasonable delay, enact reasonable

ordinances necessary and proper for carrying into execution the provisions of this Section.

ARTICLE XI – SEVERABILITY

Section 11. If any section, subsection, paragraph, phrase or word (hereafter the parts) of this Section shall be held to be unconstitutional, void, or illegal, either on its face or as applied, this shall not affect the applicability, constitutionality, or legality of any other parts hereof; and to that end, the parts of the Section are intended to be severable. It is hereby declared to be the intent of this Section that the same would have been adopted had such unlawful or unconstitutional provisions, if any, not been included herein.

ARTICLE XII - EFFECTIVE DATE

Section 12. This Section shall be in full force and effect 31 days following passage.

Appendix B: Eugene City Code 3.690 through 3.696 Hazardous Substances User Fee

3.690 Hazardous Substances User Fee – Purpose. Sections 3.690 through 3.696 contain the procedures for payment by certain businesses that use hazardous substances of the hazardous substance user fees, as established in section 3.694 of this code, in a manner consistent with article VII of amendment IV to the Eugene Charter of 2002 (the “amendment”), taking into consideration the mandate of the courts in the litigation involving the amendment.

(Section 3.690 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000; and administratively amended by Ordinance 20199, enacted July 24, 2000, effective August 23, 2000; and amended by Ordinance No. 20551, enacted February 23, 2015, effective March 27, 2015.)

3.692 Hazardous Substances User Fee- Definitions. Notwithstanding any definitions contained in the amendment, as used in sections 3.690 through 3.696 of this code, the following words and phrases mean:

Facility. All buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites that are owned or operated by the same person(s) and relate to a common product or service, except state and federal facilities and public educational institutions.

FTE. A full-time equivalent employee. For purposes of section 3.694, the number of FTEs shall be calculated by dividing the number of paid hours worked at the facility by all employees during the calendar year preceding payment of the fee by 2,080.

Hazardous substance user. Any business that operates a stationary facility within the city limits of Eugene that:

- (a) Has 10 or more FTEs;
- (b) Has a SIC code between 2000 and 3999 inclusive; and
- (c) Uses any quantity of hazardous substances (above zero) in its manufacturing processes.

SIC. Standard Industrial Classification categories as listed in *Standard Industrial Classification Manual* (Office of Management and Budget, 1987).

Material Accounting Threshold. The quantity of total inputs of a particular chemical during a calendar year, below which a full accounting of inputs and outputs of that chemical is not required. Should total inputs of a chemical fall between this threshold and the reporting threshold, the total input quantity is required to be reported.

Reporting Threshold. The quantity of total inputs of a particular chemical during a calendar year, below which that chemical is not required to be reported. Should total inputs of a chemical fall between this threshold and the material accounting threshold, the total input quantity is required to be reported.

(Section 3.692 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000; and amended by Ordinance No. 20199, enacted July 24, 2000, effective August 23, 2000.)

3.694 Hazardous Substances User Fee - Imposed. A fee is hereby imposed upon hazardous substance users. The fee shall be an amount per FTE and shall be paid annually no later than May 1 of each year, except that the first fee due under this section shall be paid by May 1, 2000 or within 30 days of the date the city mails an invoice setting forth the amount due, whichever is later. Notwithstanding the provisions of section 2.020 of this code, the specific amount of the fee shall be established by resolution of the city council.

(Section 3.694 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000.)

3.696 Hazardous Substances - Addition and Removal of Chemicals to Hazardous Substances List and Changes to Reporting and Accounting Thresholds.

- (1)** Within 60 days of learning that a chemical has been added to or removed from one or more of the lists described in Article III, section E, subsections 1(a), (b), (c), (f) and (g), 2, 3, and 4, of Amendment IV to the Eugene Charter of 2002, the city manager shall request advice from the toxics board as to whether the new chemical should be added to or removed from the list of substances required to be reported under Amendment IV to the Eugene Charter of 2002. If the chemical is to be added, the city manager shall also request the toxics board's advice on the appropriate reporting threshold and materials accounting threshold for each chemical in question.
- (2)** After obtaining the advice of the toxics board as provided in subsection (1) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that adds or removes a chemical or chemicals to the list of chemicals subject to the requirements of Amendment IV to the Eugene Charter of 2002 and, for added chemicals, establishes reporting and materials balancing thresholds for that chemical or those chemicals if the manager determines that such a rule is consistent with the purpose and intent of Amendment IV to the Eugene Charter of 2002. The rules adopted by the manager shall also establish a date when the additional chemical(s) shall be subject to the reporting and materials accounting requirements.
- (3)** Within 60 days of learning that the federal reporting threshold for any chemical reportable under Amendment IV to the Eugene Charter of 2002 is reduced so as to fall below the materials accounting threshold established locally for that chemical, the city manager shall request the

toxics board's advice on the appropriate reporting threshold and materials accounting threshold for that chemical.

- (4)** After obtaining the advice of the toxics board as provided in subsection (3) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that changes the reporting and materials accounting thresholds for chemicals meeting the conditions described in subsection (3) of this section. The rules adopted by the city manager shall also establish a date when the new thresholds shall apply.
- (5)** If the city manager declines to adopt an administrative rule that implements the toxics board's advice as described in subsections (2) or (4) of this section, the city manager shall explain to the city council and the toxics board in writing the reasons for the decision not to implement the toxics board's advice. However, the city manager may remove a chemical pursuant to subsection (2) of this section only if the toxics board has recommended its removal.

(Section 3.696 added by Ordinance No. 20199, enacted July 24, 2000, effective August 23, 2000; amended by Ordinance No. 20213, enacted October 23, 2000; and Ordinance No. 20551, enacted February 23, 2015, effective March 27, 2015.)

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