

## MINUTES

Eugene Toxics Board  
Fire Conference Room, Second Floor  
Eugene Emergency Services Center  
1705 West Second Avenue, Eugene

November 28, 2012  
3:30 PM

**PRESENT:** Stephen Flanagan, Vice Chair; Sheena Gardner, Alison Guzman, Randy Prince, Christine Zeller-Powell, members; Joann Eppli, Fire and Emergency Services staff; Ken Luse, Andy Poynter, Joe Honochick, Dan Mullins, guests.

**ABSENT:** Tom Carmicheal, Chair; Rick Nicol.

Mr. Flanagan called the meeting of the Toxics Board to order at 3:35 PM.

### **I. INTRODUCTIONS/APPROVAL OF AGENDA**

Those present introduced themselves.

Mr. Prince, seconded by Ms. Gardner, moved to approve the agenda. The motion passed unanimously, 4:0.

### **II. PUBLIC COMMENT**

There was no one who wished to offer public comment.

### **III. APPROVAL OF MEETING MINUTES—October 24, 2012**

Ms. Gardner, seconded by Ms. Zeller-Powell, moved to approve of the October 24, 2012 minutes as presented. The motion passed unanimously, 4:0.

### **IV. STAFF REPORT**

Ms. Eppli said Mr. Nicol and Mr. Carmicheal would not be attending today's meeting. She stated Robert's Rules of Order and the decision making procedures for the Toxics Board had been distributed to Board members. She noted there were no follow up questions from Board members. She had also sent an email to Board members regarding follow up to a motion by the Board to create an interested parties list and facilitated a brief discussion. The public hearing and City Council meeting on the updated hazardous tracking instructions and list of reportable chemicals resulted in City Council adopting an Ordinance in approval of the updates. The City Manager had 60 days to prepare the Administrative Rule for the remaining recommended changes to the list of reportable chemicals, after which she would prepare a draft communication to the reporting

businesses in the program about the changes for the Board's review. She had not had time to do any site visits or conduct audits of reporting businesses since the October Board meeting. In response to Mr. Prince, Ms. Eppli said she had sent a memorandum to Board members explaining that the City Manager had authority for adding chemicals to the list and recognizing threshold changes at the federal level.

## **V. TOXICS PROGRAM LOGO**

Ms. Eppli reported that the City was redesigning its guidelines for the use of the City logo and standardizing communications across the organization. All programs and departments had been asked to refrain from using clipart on future documents and publications. She directed Board members to the document entitled *Citizen Guide to the City of Eugene Toxics Right-to-Know Program*, and specifically the scales clipart on the document cover. She noted consensus by the Board to put the scales clipart to rest.

## **VI. NEW TOXICS BOARD AND TOXICS PROGRAM WEBPAGES REVIEW**

Ms. Eppli offered a presentation on the Eugene Toxics Right-to-Know section of the City's website, including:

- Program and Purpose.
- Feedback/Comments Form.
- Reportable Chemicals List.
- Website Analytics Report.
- Citizen Guide and Report Data.
- Metals Reporting Footnote.

Ms. Guzman arrived at 3:55 PM.

Board members reviewed the website and offered changes to the website that were recorded by Ms. Eppli.

Ms. Eppli directed Board members to the analytics report included in the agenda packet. As requested by the Board, she would run a report every six months and include the information in the program's Annual Report.

Ms. Eppli asked Board members to review the *Citizen Guide* and send suggestions for revising the document.

## **VII. FISCAL YEAR 2014 TOXICS PROGRAM RECOMMENDED BUDGET**

Ms. Eppli directed Board members to the memorandum in the agenda packet, subject Eugene Toxics Right-to-Know Program: Preliminary Recommended Budget Information for Fiscal Year (FY) 2014. The information in this memorandum and corresponding attachments is the basis for the Board to develop their 2013 fee recommendation to City Council. She emphasized that the information is preliminary, as the City organization is currently in the beginning stages of developing the FY 2014 budget. One method of increasing revenue would be to conduct an inventory of covered entities which had not been done since 1997. She said all participating

businesses would reach the State-mandated annual cap of \$2,000 sooner rather than later, and that eventually, there would not be enough money to fund the program. Ms. Eppli was starting discussions with the State to find ways to partner with them to make electronic reporting less burdensome on businesses and avoid duplication. Board members reviewed program costs and discussed whether there are ways to reduce them. Given the preliminary information, Ms. Eppli thought revenues could mostly cover costs in FY 2014, but said she was extremely concerned with being able to fund the program in FY 2015 and beyond. In response, Mr. Prince offered an option to reduce program costs by scaling the program back to the basic intent of the program, and eliminate enhancements. Ms. Eppli stated that the minimal basics of the program would mean going back to only recommending a fee and submitting an Annual Report to City Council. She emphasized that the decision to scale the program back would need to come from the Board as a whole.

Ms. Eppli said she would develop a summary of program enhancements that have been implemented since the program has been under her management, and will submit the summary to the Board for review and discussion at the next meeting.

Ms. Eppli asked Board members to send suggestions for addressing budget issues.

Ms. Gardner asked if the program was eligible to apply for Environmental Protection Agency (EPA) grant funding. Ms. Eppli opined grant funding could possibly be used for specific projects, but not for ongoing operational costs. She was investigating the possibility of applying for grants, and will keep the Board informed.

## **VIII. IDENTIFYING COVERED ENTITIES**

Ms. Eppli distributed a document entitled Appendix C – Standard Industrial Classifications. The document is a copy from Appendix C to one of the original versions of the Hazardous Substance Tracking Instructions, and provides a comprehensive list of the types of manufacturing businesses that the Toxics Right-to-Know Program covers. She stated that to the best of her knowledge, an inventory of whether all of the businesses that meet the requirements to either report and/or pay a fee under the Toxics Right-to-Know Program has not been conducted since 1997. She said she has learned that there are at least a handful of businesses that are not currently in the program, but should be. Ms. Eppli then provided the example of Heli-Tech, a newly identified business that does not have inputs totaling 2,640 pounds or more of hazardous substances in a calendar year, and therefore, will not be required to submit an annual report, but does meet the requirements to pay a fee, and will do so beginning in 2013.

In preparation for the next Board meeting, Ms. Eppli asked Board members to send her suggestions for identifying and contacting potential program participants, noting that this process will need to be handled delicately.

## **IX. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS**

Ms. Eppli said the FY 2014 budget coupled with a discussion on how to conduct an inventory of businesses that meet the requirements of the Toxics Program will be the primary topics of discussion at the January meeting. The final outcome of this discussion will be the Toxics

Board's 2013 fee recommendation to City Council. The Council Public Hearing on the Toxics Program's 2013 fee is tentatively scheduled for February 19, 2013.

Ms. Guzman left at 5:03 PM.

Ms. Eppli agreed to poll Board members for a date and time for the January meeting, noting that it would be after January 15, 2013.

The meeting adjourned at 5:05 PM.

*(Recorded by Linda Henry)*