

MINUTES

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

September 11, 2014
3:30 p.m.

PRESENT: Christine Zeller-Powell, Chair; Wendy Cecil (arrived at 3:35 p.m.), Amber Everly, Rick Nicol, Randall Prince (arrived at 3:37 p.m.), Andree Phelps, members; Joann Eppli, Eugene Springfield Fire staff.

ABSENT: Lisa Arkin, member.

Ms. Zeller-Powell called the meeting of the Toxics Board to order at 3:34 p.m.

I. INTRODUCTIONS/APPROVAL OF AGENDA

Those present introduced themselves. There were no changes to the agenda.

Ms. Cecil arrived at 3:35 p.m.

II. PUBLIC COMMENT

There was no one who wished to offer public comment.

III. APPROVAL OF MEETING MINUTES—July 17, 2014.

Ms. Zeller-Powell, seconded by Ms. Cecil, moved for the approval of the July 17, 2014 Toxics Board minutes. The motion passed unanimously, 5:0.

IV. STAFF REPORT

Ms. Eppli reported she had sent a memorandum to Toxics Board members regarding the relocation of Far West Steel Fabrication for the manufacturing part of their business to Glenwood and were therefore no longer in the Toxics Program.

Mr. Prince arrived at 3:37 p.m.

In response to Mr. Nicol, Ms. Eppli said she would check on a Highway 99 location for Far West Steel Fabrication, and report back to the Toxics Board her findings.

Ms. Eppli said she had sent the Toxics Board a draft memorandum to the Eugene Planning Director as requested at the last meeting requesting cooperation from the Planning Division to

provide the Toxics Board with maps on an annual basis showing all businesses in Eugene with names and addresses. She stated she had also checked with Planning Division staff, and had been informed that something like this has not yet been developed, however, the project could be assigned as a special project to an intern if the Toxics Board was interested. She noted consensus from Toxics Board members to proceed with the request for maps or lists of businesses. The Toxics Board also had the following question and two comments: When does the Planning Division think they can provide the Toxics Board with a list or map of current businesses within Eugene city limits? It would be important that once the list or map is created that the list or map be maintained to always show current businesses. The City's Neighborhood Services staff have been able to provide lists of businesses in the past.

Ms. Eppli reported she had completed the invoicing process for Fiscal Year 2015 (from July 1, 2014 to June 30, 2015). The invoices had been sent out and everyone had paid, with the exception of Green Gear Cycling, who again made arrangements with the City to pay the full invoice amount due by the end of the calendar year.

Ms. Eppli stated Eugene Planning Division staff had sent out the draft *Envision Eugene Environmental Justice Issue Briefing*, which she had forwarded to Toxics Board members with her editing suggestions. The process offered an opportunity to showcase the value data from the Toxics Program could provide for planning processes.

In response to Mr. Prince, Ms. Eppli said she understood the annexation element was a part of the bigger Envision Eugene process rather than part of the environmental justice process. The current charge was to plan out the Clear Lake Road area first for use for employment purposes. The area was already within the city limits. She added staff was assessing the area for potential rezoning. It had already been determined that the area was not suitable for residential zoning.

Ms. Eppli distributed a memorandum dated August 5, 2014 to the Eugene Toxics Board from Christine Zeller-Powell, subject *Updated Eugene Toxics Board Procedures*.

Mr. Prince, seconded by Ms. Cecil, moved to approve the *Updated Eugene Toxics Board Procedures*. The motion passed unanimously, 6:0.

Ms. Phelps, seconded by Ms. Zeller-Powell, moved to amend the *Updated Eugene Toxics Board Procedures* 3. a. to read as follows:

~~Under~~ **In** the extreme circumstances that a member of the Toxics Board is unable to attend a meeting or participate via conference call, if there is an impending Charter-imposed deadline, in order to meet a quorum of the Toxics Board, that Toxics Board member may submit their vote on that topic in advance of the meeting via email, and City staff will submit the email as part of the meeting packet and for public record, and City staff will cast the vote of the absent Toxics Board member on their behalf at the time of the motion ONLY IF the Toxics Board has been discussing the topic at a previous meeting, and that member of the Toxics Board had participated in previous discussions of the topic, and it is known that the Toxics Board will make its final decision on that topic at the upcoming meeting. If the motion changes at the final decision meeting, the vote submitted via email is null and void.

The motion passed unanimously, 6:0.

Ms. Eppli stated she had forwarded a memorandum to Toxics Board members she had sent to the City Attorney asking for consideration of an Ordinance to change the Eugene Code so that the Toxics Board could facilitate delegating authority to the City Manager for adding and removing chemicals from the List of Reportable Chemicals and updating the Hazardous Substance Tracking Instructions. The purpose of the request was to assist in streamlining processes and reduce staff time. She noted the current process required she take such requests to the City Manager and the City Council. It made sense to have the City Manager address truly administrative tasks. Pending updates to the List of Reportable Chemicals would be deferred until the Ordinance change was completed.

Ms. Cecil clarified that the proposed Ordinance change would give the City Manager the authority to enact updates recommended by the Toxics Board.

Ms. Eppli added the City Council could weigh in on any recommendation from the Toxics Board or an action of the City Manager at any time.

Ms. Eppli said she had forwarded copies of an overview document of *Roberts Rules of Order* to Toxics Board members, and asked if Toxics Board members had any questions about the document.

Ms. Eppli said several businesses that had not been participating in the Toxics Program had been brought to her attention. She had identified three businesses that met the first three requirements and she would work with those businesses to determine whether they used enough hazardous substances to also be required to report. The new businesses were: Altech Finishes, one InstaPrint location, and Steelhead Brewery. The hazardous chemicals involved in brewing beer were used for cleaning their equipment. She added one business had not responded to requests from her or the Fire Marshal for information and meetings. The business had been put on notice, and on the Toxics Board's behalf, she had made a request of the Fire Marshal to investigate. The Fire Marshal would conduct a full inspection of the business, and she would keep the Toxics Board informed as information becomes available. She added that depending on the outcome of the Fire Marshal's investigation and report, there was a possibility staff would come to the Toxics Board to discuss imposing penalties as outlined in the Charter Amendment. In response to Mr. Nicol, Ms. Eppli said the name of the business was Image King Signs. Responding to Ms. Phelps, Ms. Eppli said Image King Signs had been in business in Eugene for a long time and had been one of those businesses that have so far slipped through the cracks. The Toxics Board asked Ms. Eppli for a timeline on completion of the Fire Marshal's investigation process.

V. TOXICS PROGRAM GAP/IMPACT ANALYSIS

Ms. Eppli directed Toxics Board members to a draft memorandum dated January 1, 2015 to Mayor Kitty Piercy and City Council Members from the Eugene Toxics Board, subject *Eugene Toxics Right-to-Know Program Update: Impact and Gap Analysis Report*.

Ms. Eppli said the purpose of the project was to have the Impact Gap Analysis Report completed by the Toxics Board by the end of the calendar year for inclusion in the Annual Report. Advocacy and Industry members would share their individual recommendations for the future of the program, and Ms. Phelps would use that information to prepare a neutral and proposed combined recommendation.

Ms. Zeller-Powell asked Toxics Board members to split into groups and prepare responses from

advocacy, industry and neutral perspectives.

Ms. Zeller-Powell said she would summarize the Advocacy discussion and send it to Ms. Eppli.

Ms. Cecil said the Industry representatives had one additional sentence recommendation and a question.

In response to Ms. Everly, Ms. Eppli confirmed the recommendation was to the City Council and not the Toxics Board.

Ms. Everly directed those present to page 2 of the memorandum, paragraph 4, which addressed the Toxics Board “repeatedly discusses the same topics year after year.” She asked if this was relevant in this gap analysis or something the Toxics Board needed to work on. Ms. Eppli replied that in her opinion that was something more for the Toxics Board to work on, and could be removed from the report if that was what the Industry representatives chose to do.

Ms. Cecil stated the Industry representatives discussed working on being more efficient, moving through agenda topics, and agreed that paragraph 4 on page 2 of the memorandum should be removed. She added the Industry representatives wanted to include a statement that the City of Eugene should work with the State of Oregon to standardize the reportable units of measure and the reportable thresholds to be in alignment with at least one other reportable agency such as the U.S. Environmental Protection Agency (EPA), the State Department of Environmental Quality (EPA) or the Lane Regional Air Protection Agency (LRAPA).

Ms. Eppli stated information included in paragraph 4 on page 2 came from recommendations from former Toxics Board member Sheena Gardner related to improving internal Toxics Board functioning. Ms. Eppli recorded additional comments from Toxics Board members for editing the document.

VI. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS

- Open Session—The Fire Chief and City Attorney wanted to address the Toxics Board’s questions and concerns regarding the organizational direction to reduce program staff time and tasks in person, prior to the start of the Toxics Board’s program budget discussions for Fiscal Year 2016. To make the best use of everyone’s time, she said she would send an email to the Toxics Board asking for questions and concerns to send to the Fire Chief and City Attorney in advance of the meeting. She directed Toxics Board members to the July 24, 2014 draft memorandum to Kathryn Brotherton, which included questions and concerns previously suggested. She asked Toxics Board members to forward additional questions to her within the next two weeks. There was consensus for the Toxics Board to meet with the Fire Chief and City Attorney on October 22, 2014.
- Review Characteristics Chemicals from Thermo Fisher Scientific for Addition to List of Reportable Chemicals—deferred to a future meeting.
- Special Project Request from Willamette Valley Company—deferred to a future meeting.
 - Review Reporting of Petroleum Distillates (CAS #064742-47-8) as an Ignitable Characteristic Chemical and Determine Whether to Remove from List of Reportable Chemicals
- Review Draft Envision Eugene Clear Lake Area Recommendations—deferred to a

future meeting.

- Presentation by Beyond Toxics: Review of Recent Reports that Include Data from Eugene's Toxics Right-to-Know Program—deferred to a future meeting.
- Lane County Local Emergency Planning Committee (LEPC) Presentation—deferred to a future meeting.

The meeting adjourned at 5:10 p.m.

(Recorded by Linda Henry)