

MINUTES

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

January 15, 2015
3:30 p.m.

PRESENT: Wendy Cecil, Rick Nicol, Randall Prince, Andree Phelps, members; Joann Eppli, Eugene Springfield Fire staff; Dan Mullins, visitor.

ABSENT: Christine Zeller-Powell, Chair; Amber Everly, Lisa Arkin, members.

Mr. Nicol called the meeting of the Toxics Board to order at 3:47 p.m.

I. INTRODUCTIONS/APPROVAL OF AGENDA

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

II. PUBLIC COMMENT

There was no one who wished to offer public comment.

III. APPROVAL OF MEETING MINUTES—November 20, 2014

Ms. Cecil, seconded by Ms. Phelps, moved for the approval of the November 20, 2014 Toxics Board minutes. Mr. Nicol deemed the minutes approved.

IV. STAFF REPORT

Ms. Eppli reported the seventh three year cycle of auditing hazardous substance reports started July 14, 2014. Although no audits for the cycle had been done, she anticipated starting audits of the 32 reporting businesses soon. She had been working with Planning and Development (PDD) staff to prepare maps for a list of businesses. PDD was taking the lead on getting an intern to do that work. Since identifying businesses that met the requirements to be in the program was a Toxics Board and City of Eugene priority, because it more evenly distributed the cost of the program, and it was unfair to businesses already identified, she was investigating options for acquiring a directory of manufacturers or using a local company for a mailing service.

Ms. Eppli stated she had updated the *Proposed Staff Tasks at the 80 Percent Staffing Level in Conjunction with FY16 Program Budget/Fee* matrix, which would be discussed under agenda item IV. She had sent multiple notifications to the Toxics Board regarding Farwest Steel

Corporation. The final notification indicated she learned they did not have at least ten employees at the Eugene location and therefore did not meet the requirements for participation in the program. She said the City's annual board and commission recruitment process had started. Mr. Prince and Mr. Nicol's terms were expiring on June 30, 2015. They were not eligible to reapply because they were both in their second terms on the Toxics Board. She asked Toxics Board members to encourage people in their networks to apply for Toxics Board membership. She was scheduled to go to the City Council in February 2015 for a housekeeping code amendment update. She and the Toxics Board had been directed to reduce staff tasks and streamline processes. She encouraged Toxics Board members to join her at the work session, public hearing and/or City Council action meeting. She recently learned that Datalogic moved all of their manufacturing operations to Vietnam three years ago and were no longer required to participate in the Toxics Right-to-Know Program. In preparation for the annual report, she had run the website analytics for 2014 and learned there had been a total of 942 hits on the Toxics Board and Toxics Program webpages combined. She thanked Ms. Phelps for her efforts to have the Toxics Board included in the citywide matrix of board and commissions. Ms. Eppli had forwarded the Toxics Board a copy of Mr. Prince's email to State Representatives Val Hoyle and Phil Barnhart regarding increasing the \$2,000 State-mandated fee cap for the program.

Mr. Prince said he had communicated with Representative Barnhart's staff and learned a bill would be prepared for the 2015 Legislative Session that would increase the \$2,000 State mandated fee cap for the program.

Mr. Nicol reviewed the history of the program and related court actions.

Ms. Phelps inquired how Toxics Board industry representatives felt about the proposed legislation.

Mr. Nicol initially said he would support the proposed legislation, and then stated he would not support the proposed legislation. His company had purchased 100 acres of land zoned industrial in Ruston, Louisiana, where he was moving his business to. He stated people did not understand the City of Eugene ideology against business.

Ms. Cecil said if the fee cap was increased it would be less per FTE for smaller businesses. She asserted the reporting process for the Right-to-Know program was cumbersome.

Ms. Phelps noted if the cap was set at \$3,000, the cap would need to be revised again in a few years. She asked if there a way set the cap to the equivalent of \$2,000 in 1996.

Mr. Prince agreed to raise the issue with Rep. Barnhart's office of including a regular review of the cap to keep pace with inflation in the future in an effort to more equitably distribute program costs.

Mr. Nicol then said he would consider supporting the proposed legislation, but would need to think about it.

V. FINALIZE FISCAL YEAR 2014 TOXICS PROGRAM FEE/BUDGET RECOMMENDATION

Ms. Eppli directed Toxics Board members to the memorandum in the agenda packet dated January 9, 2015 to the Eugene Toxics Board subject *Eugene Toxics Right-to-Know Program: Fiscal Year 2106 Budget and Fee Information*. She noted the final fee/budget recommendation of

the Toxics Board needed to be submitted to the City Council by February 5, 2015. Ms. Eppli reviewed *Proposed Staff Tasks at the 80 Percent Staffing Level in Conjunction with FY16 Program Budget/Fee* matrix, and facilitated a discussion on the impacts of 85 percent, 80 percent, 75 percent and 50 percent staffing levels.

Mr. Prince, seconded by Ms. Phelps, moved to recommend a fee of \$56.08 per FTE up to the \$2,000 state-mandated cap to cover a FY16 Program Budget at an 85 percent staffing level. The motion passed unanimously, 4:0.

Ms. Eppli recapped the information on the matrix. Following a brief discussion, there was consensus to defer discussing Charter-mandated versus administratively necessary tasks adding tasks that would be accomplished with a 5 percent increase to 85 percent, until a future meeting when more if not all Toxics Board members were present.

VI. FINALIZE TOXICS PROGRAM 2014 ANNUAL REPORT AND GAP AND IMPACT ANALYSIS

Noting the time, there was consensus by the Toxics Board to defer discussion until the next Toxics Board meeting. Ms. Eppli stated the report should be submitted to the City Council as soon as possible.

VI. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS

- Review Characteristic Chemicals from Thermo Fisher Scientific for Addition to List of Reportable Chemicals
- Special Project Request from Willamette Valley Company
 - Review Reporting of Petroleum distillates (CAS #064742-47-8) as an Ignitable Characteristic Chemical and Determine Whether to Remove from List of Reportable Chemicals
- Discuss \$2,000 State Fee Cap with State Representative
- Review Draft Envision Eugene Clear Lake Area Recommendations
- Presentation by Beyond Toxics: Review of Recent Reports that Include Data from Eugene's Toxic Right-to-Know Program.
- Lane County Local Emergency Planning Committee (LEPC) Presentation

Ms. Eppli reviewed the future agenda items and agreed to poll Toxics Board members for a February 2015 meeting.

The meeting adjourned at 5:07 p.m.

(Recorded by Linda Henry)