



MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

January 14, 2021

VIA - ZOOM

ATTENDANCE:

Board: Joe Pishioneri – Board Chair - Springfield; Kathy Holston – Vice Chair - Oakridge; Jeannine Parisi - Eugene; Gabrielle Guidero – Springfield; Mysti Frost – Eugene; Howard Saxion – Eugene; Joe Berney – Lane County; Mike Fleck - Cottage Grove; Matt Keating - Eugene

Others: Jim Daniels - CAC Chair; Kurt Hodgen – SGR; Mary Bridget Smith – Springfield City Attorney

Staff: Merlyn Hough; Debby Wineinger; Nasser Mirhosseyni; Colleen Wagstaff; Travis Knudsen; Max Hueftle; Kelly Conlon; Katie Eagleson; Beth Erickson; Chris Coulter; Robbye Robinson

OPENING: Pishioneri called the meeting to order at 12:19 p.m.

1. ADJUSTMENTS TO AGENDA; None

2. PUBLIC PARTICIPATION: None

A. Comments on an Item on Today’s Agenda

B. Comments on a Topic Not Included on Today’s Agenda (Note: This is an opportunity for the public to bring up unscheduled items. The Board may not act at this time but, if it deems necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes’ speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)

The Board welcomed Eugene City Councilor Matt Keating; he is replacing Councilor Betty Taylor.

Keating said he communicated with Lisa Arkin, who is currently serving as an interim LRAPA budget committee member prior to this meeting, and she has enthusiastically expressed interest

in continuing her service. He wanted to make certain that the conversation is on today's agenda and we affirm her appointment for the next full term. **Pishioneri** said this is just a preview and he did not think there is actually going to be appointments at this meeting. **Hough** said that was correct. The appointments would be during the February meeting. The agenda item today is just to make sure if there's vacancies, that Board members are giving consideration to who would be nominated to fill those positions.

4. ACTION ITEMS:

Consent Calendar:

A. Approval of Minutes November 12, 2020 Board Regular Board of Directors Meeting and December 30, 2020 Special Board Meeting

B. Approval of Expense Report for through December 2020

Fleck noted that Airmetrics is negative at the moment and asked for clarification. **Mirhosseyani** said we purchased a new vehicle for a Field Inspector. We usually purchase vehicles from our enterprise funds. **Fleck** asked if we expect this to stay negative for the rest of the fiscal year. **Mirhosseyani** said he did not believe so, because new orders pick up at this point and we believe at the end of the year, we should be good.

MOTION: Holston MOVED to approve the Consent Calendar; Fleck SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

5. PREVIEW UPCOMING APPOINTMENTS ON BOARD AND COMMITTEES:

Hough said Debby has outlined some of the things that the Board normally does in February. This is just to prepare you for that. There's Citizens Advisory Committee appointments coming up, and some Budget Committee appointments. Also, the Board Chair and Vice Chair for the coming year. In some cases, you have asked the current Chair and Vice Chair to continue for another term if they are willing to do so. There are options. And of course, you could select a new Chair and Vice Chair that are not currently serving as well. So those are all options for you to be thinking about.

6. REVIEW MULTI-YEAR BUDGET FORECAST FOR FY 2021-2025:

Hough said this a review the of the multi-year budget forecast for FY 2021 through 2025 and this is abbreviated because of our short agenda to make room for the executive session today. Normally, we take a fair amount of time here to go through the different scenarios. We have a base case, a worst case, and best case. Those three scenarios are looking out for more than the current year and gives the broader scope in dealing with the upcoming one-year budget. In general, things are in good shape, especially considering all the complications of COVID.

7. APPROVE DUES REQUEST TO IGA PARTNERS FOR FY2022:

Hough said this is the dues request that was considered by the Board during the November meeting and based on that conversation, we have structured two different scenarios in this staff report. The first one would be to continue with the 10-year plan that the Board adopted back in 2016-2017. To restore local dues from half of dues that had been lost during the recession. The second scenario is to put the 10-year plan on pause for one more year, similar to what was done last year. The adjustments would be done for population and for inflation, but there would not be the other 4%.

Pishioneri said he likes the second scenario. He also wants to look at the 10-year plan as an active Board and the authority that we are not obligated or bound by any previous plans by any previous Boards. He would like to review the plan and see if it needs to exist as is, or be modified.

Fleck wanted to remind folks that Cottage Grove and Oakridge are paying their full share. But he would like to continue to try to get us back into parity at some point. He would also hate to throw the plan out, but is happy to revisit it. He would go with option two as well.

MOTION: Fleck MOVED to approve option two. 10-year plan on pause for one more year, similar to what was done last year, the adjustments would be done for population and for inflation, but there would not be the other 4%; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

8. ADVISORY COMMITTEE:

Jim Daniels said there is CAC subcommittee working on a brochure for alternatives to outdoor burning. They expect to have a draft for the full CAC to review this month. Hopefully, we will have something to present to the Board during their February meeting. We will also be looking at memberships. We have a few folks who I anticipate will want to reapply. And we have current open positions in public planning, and general public.

9. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTHS OF NOVEMBER AND DECEMBER 2020:

Hough reviewed the Director's Report and wanted to be sure to point out some of the main highlights it covers each month for Councilor Keating's benefit.

The first part of the report, we review air quality from the previous month and there is two parts to that. We highlight the number of days and the color-coded Air Quality Index categories. We have air quality indexes that we do on a daily basis, one for Eugene-Springfield, the other for Oakridge and the other for Cottage Grove. At a glance, it shows you what those levels were. Normally we would not have the purple and the maroon categories on there. But in 2017, and then again, in 2020, we had enough wildfire impacts to make good use of those color categories that in the past were rarely used.

Colleen Wagstaff on our staff, summarizes the complaint information. She tries to give you a decade of comparison by these different categories. The two categories that have been of a greater concern here in recent years have been outdoor burning and home wood heating. Those

are at a relatively high level and in general, either increasing or staying at a relatively high level. Most of the other categories are either low or decreasing. Then if we issue any outdoor burning letter permits, ...there's some activities that under our rules require special letter permits...most burning does not fall into this category. These would be for special categories, either for forest slash burning that is within our geographic distribution rather than within the State Forestry Smoke Management Plan. Or sometimes land-clearing debris is at a volume such that it requires a letter permit. We do regular asbestos abatement inspections. There is a summary of the numbers that we do, and we try to inspect at least 15% of those projects each year. There is a table that summarizes our permitting activities, new permits, renewals, or modifications of permits. Travis Knudson is responsible for anything that has to do with public outreach, public information, media, contacts. The last section of the Directors report is upcoming Board items. What we try to do is give you a preview looking out multiple months. Because of the transition towards retirement, Hough put a full year out of upcoming items. This is the tentative agenda.

Parisi asked about the JH Baxter work that LRAPA has been doing? It sounds like it is more of a water quality issue, but LRAPA has been engaged. Has there been any other information on the air toxics side that we looked at a couple months ago? **Hough** said it is a multi-agency and a multimedia project. It started with some soil sampling around the Baxter neighborhood not too far from the Baxter facility. **Knudsen** added that this was due to a Cleanup Program that DEQ had ongoing with Baxter at the time. They found dioxins in the soils in right of way areas of the neighborhood above the most-restrictive residential limit by OHA. This began the coordinating with Oregon Health Authority, DEQ, LRAPA and the City of Eugene to look at all the operational permits and all the information available to determine what needs to be done. He has been participating with the community engagement side which includes reaching out to Beyond Toxics and the Active Bethel Citizen's neighborhood association. Our first community engagement group, which is sort of with a core group of people from LRAPA, OHA, and local community members happened on December 10th and the next one is scheduled for January 27th. This is ongoing and leading up to a broader open community meeting later in 2021. Max Hueftle can fill in the technical side of it. There has also been a formation of a technical work group from multiple agencies to do a lot of the heavy lifting there.

Gabrielle asked if this relates to new contamination, or is this old contamination? **Hueftle** said he believes this is relatively new. There has been a round of soil sampling that was required of the facility in the 90's. I don't believe they had elevated levels, this was a follow-up to update that information and they found some elevated levels of dioxins in the soils. The facility has been requested to provide sort of a refined air dispersion modeling to help focus the next round of soil sampling. The facility is going to be required by the DEQ Cleanup Program to conduct more samples of the soil around the facility and the air dispersion modeling that the facility will conduct will help focus those sampling locations to hopefully, reduce their costs and make sure they are focusing this sampling in the right areas. **Parisi** asked if he is suggesting and saying about the air dispersion modeling, that the source of the dioxin in the soil came from an air source versus a water discharge source? **Hueftle** said that is what we are thinking. Of course, this sampling will help determine the degree and extent of the contamination, but what we believe is that the dioxins were in the air emitted by the facility and then deposited and accumulated in the soil. If you are familiar with some of the treatment chemicals they use, there is one that is called pentachlorophenol. And that, as the name indicates, has chlorine in it, and to be a dioxin

molecule, you have to have chlorine attached to it. The dioxins occur as impurities in those pentachlorophenol solutions, just as part of the general production of it. That is where we believe the source of the dioxins are, just years of the use of that treatment chemical. We do have word from the facility that they intend to phase that out this year. They have a supply of it that is going to last them until August or so, and then they have announced intentions that they are going to switch to what is purportedly to be a more environmentally benign chemical, DCOI [dichloro-octyl-isothiazolin]. **Frost** asked what the long-term health effects of exposure to these chemicals are? **Hueftle** said that might be a better question answered by the Oregon Health Authority.

Parisi asked about the DEQ funding increase request. Since we are going to be looking at the budget in the next month or two, do you think you will have a resolution in time for the budget committee meetings? Or do you think it is probably going to carry over and we will not know the answer to that? **Hough** said he was not expecting to know during our budget cycle. Typically, the budget does not get approved until later in the session. It will probably be May, June, by the time there's action taken on DEQs budget, based on previous regular sessions. It would be unusual for it to be decided in time for you to be aware of that. **Parisi** asked if the status quo budget that was presented earlier in the agenda item assumes that those dollar funds do not happen or assumes that it does? **Hough** said that will be a part of the February conversation, whether that ought to be part of the best case or not. If it has got some encouragement during that stage of the legislative session, then it might be appropriate to put it in the best case, but it would be in subsequent years. It would not probably be in the most immediate year, but it might be in the second, third fourth type of years. That could be considered in February or during the budget cycle. But it would depend on whether it looks like there is encouraging movement in the legislature.

10. CLEANER AIR OREGON UPDATE:

Hueftle said the Cleaner Air Oregon process can be summarized by what we call the three R's. First facilities report their emissions in terms of an emission inventory, and then the risk is assessed using modeling and the risk assessment work plan. Finally, if facility risks are above acceptable levels, then the facility has to take action to reduce those risks, or we put conditions in their permit to make sure they do not go above those levels. The first step in the process is to submit an emission inventory or an EI and this is where the facility identifies all toxic emission units, process activity levels, toxic air contaminants, appropriate emission factors, material balance and emission calculations. At this stage, if LRAPA determines source testing or measuring pollutants at the stack will be conducted to complete the emission inventory, and this step has been taking the most time of any of the steps. Whether or not LRAPA is reviewing it or DEQ, this EI step is the most time consuming. After that, moving on to the other parts, once the EI is approved, the facility submits a modeling protocol and risk assessment work plan. Modeling refers to the use of air dispersion modeling software that estimates exposures to the community from these emissions. The risk assessment work plan describes how the risk will be evaluated, including identification of modeling receptor types, including whether or not they are residential, worker, or child etc. The second page illustrates and describes the steps that occur after the risk assessment has been approved. If the facility risk is above the RALs or Risk Action Levels, LRAPA establishes permit conditions that limit the risk. These conditions could include emission reductions. The lower part of the attachment includes information about how the public

notices that we will produce can be interpreted. LRAPA has not had any facilities that have gone to this step where we have publicly noticed any changes in their permits. Currently, we are in the early implementation of the program. LRAPA has called in four of the first five facilities in Group 1 of the prioritization list. The LRAPA Cleaner Air Oregon web page has some basic information about our prioritization, the background, and the rule adoptions. Seneca Sustainable Energy is the one that is farthest along in the process. So that is probably the most interesting one to look at. The first thing you will notice is a colored graphic that identifies which step the facility is in the Cleaner Air Oregon assessment process. The green indicates that those steps have been approved, the blue indicates that it has been submitted, but in review, and then of course, the orange looking color indicates that it has not occurred yet. Then once you move down, there is a little description about each facility, a copy of their permit and who is the permit writer. And then along this sidebar there's some more detailed facility information. Then you can click on this next box and it gives you the location in terms of a map. This details all the work that we have been doing with the facility on the emission inventory and the various aspects involved with that. Moving down is the modeling protocol and risk assessment report. For example, this is target organ analysis that has to do with handling non cancer effects. Facilities can assume that the non-cancer effects are cumulative, or they can break it out by target organs and essentially reduce the magnitude of the risk and assign it to each target organ. The facility has submitted a risk assessment report as of last Sunday on January 3, we are in the process of reviewing that and their modeling results. When we get to these steps, there might be a risk reduction plan and a copy of their permit. But we have not gotten to those steps yet.

Keating asked about the timeline in regard to risk assessment. Once a permit is issued, LRAPA ensures that the facility is meeting the permit requirements, through inspections, monitoring, record keeping and reporting. If the public is flagging a real serious hazardous risk, what is a reasonable or an average timeline for going through that process? **Hueftle** said we called in Seneca Sustainable Energy on December 2, 2019, over a year ago. They submitted their risk assessment just over a year later and that is about as fast as it will ever go. Because if you are familiar with the Seneca Sustainable Energy facility, it is just one single stack. It gets really complicated with other facilities. For example, a pulp and paper mill has multiple emission points, different fugitive emission sources and potentially, batch operations. Not sure how far DEQ has gotten on theirs, but they started a year ahead of us and they still have not gone through and issued an existing source risk assessment and permit. changes. It does take a while, unfortunately. **Joe Berney** asked why it takes so long? He has visited that particular facility. It is unbelievably impressive. They also are monitoring in real time on computer software, everything, the same way that that we did with many of our clean energy projects. Given that and given instantaneous access to data, he is just curious why the process takes so long? Hueftle said we do not want to have an emission inventory that underestimates what they are emitting. There are some negotiations, some discussions about which emission factors should be used. A lot of times, the facilities will suggest the use of emission factors that we do not believe are appropriate. We have to search around for more representative sources of information. Sometimes there's source or stack testing that is involved. And that can add several months to the negotiations. There is just a lot more details, there is a lot more chemicals than say, is typically done in a permitting process. There are over 600 compounds that are regulated by the program and all the different types of receptors and the different target organ analyses. It is one of the most complicated set of air regulations I have encountered.

Guidero asked about when there is a conflict about what should be measured and how it should be assessed? Who has the final say, how is that determined? **Hueftle** said LRAPA has the authority to require testing for different various pollutants and in different locations in the facility. If we need that data, then we have the authority to require it and they would have to hire a third party to conduct that analysis. In most cases, they hire a source testing company to come on site to do what we call reference method testing. We can also require the use of different emission factors.

Saxion said with the review of the risk assessment protocols, he assumes that you guys do not have the expertise to do human health risk modeling. **Hueftle** said we generally do have the expertise to evaluate those risk assessments. There is a prescribed process which they have to follow in the rules, and we are pretty good at evaluating whether or not they've done that. We definitely have help from Oregon Health Authority and some toxicological expertise from folks at DEQ. They primarily help us communicate those results to the public in terms of health risks and whatnot. There is not a lot of interpretation about the risk posed in terms of specific chemicals and their effects on the body. It is more a well detailed and prescribed process. It is in the rules, in the guidance and it is associated with the rules. We have a contract with Oregon Health Authority. David Farrer. at the OHA has been great in helping us with the JH Baxter issue as it relates to soils and dioxins. And as well, Mike Poulson, a toxicologist with DEQ.

11. OLD BUSINESS:

Keating wanted to give recognition to his predecessor Betty Taylor and her role as city councilor. He would be remiss, if in his first meeting, he did not recognize the years and decades of community service by the honorable Betty Taylor. Thank-you Betty, for your work with this committee.

12. NEW BUSINESS: NONE

The meeting adjourned at 1:28 p.m.

NOTE: February 25, 2021 meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary