



MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

May 13, 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; Mike Fleck – Cottage Grove; Matt Keating – Eugene; Joe Berney – Lane County

Others: Jim Daniels – CAC Chair

Staff: Steve Dietrich; Debby Wineinger; Nasser Mirhosseyni; Colleen Wagstaff; Travis Knudsen; Max Hueftle; Beth Erickson; Robbye Robinson; Lance Giles

1. **OPENING:** Pishioneri called the meeting to order at 12:21 p.m.

2. **ADJUSTMENTS TO AGENDA: None**

3. **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.)

Keating questioned the language in the notification for the budget meeting seeking public comment, should be the same language, when we seek public comment to LRAPA as a larger committee. It makes clear that you can send an email to LRAPA@LRAPA.ORG. However, it is highlighted that the commenter must be present and submit any written comments orally, at the budget hearing on May 13, 2021. He strongly encourages colleagues to consider the commenters do not have to be present to orally present that we would accept any written or oral testimony.

Pishioneri said we will take that under consideration.

4. ACTION ITEMS: Consent Calendar

- A. Approval of Minutes of April 8, 2021, Board of Directors Meeting
- B. Approval of April 8, 2021, Budget Committee Meeting Minutes
- C. Approval of Expense Report March 2021 (April 2021-Delayed until June)

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

5. PUBLIC HEARING FOR ADOPTION OF THE PROPOSED FY 2022 BUDGET:

Mirhosseyni submitted the affidavit of publication for budget hearing records.

No one from the public was present for comments on the adoption of the budget.

MOTION: Fleck MOVED to adopt the FY 2020 Budget; Keating SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

6. JH BAXTER – UPDATE ON VIOLATIONS AND ODOR COMPLAINTS:

Knudsen said this is a presentation on the multi-agency community outreach regarding JH Baxter wood treatment facility in Eugene. Misti Frost asked us to provide an update to the Board during a meeting. Back in December of 2020, as part of an ongoing DEQ environmental investigation into the JH Baxter wood treatment facility, they did some soil sampling taken in neighborhoods and right of way areas around JH Baxter. They reported elevated levels of dioxins that are above the most protective residential screening level. The Oregon Health Authority reviewed those draft report results from that elevated dioxin and determined that it did not represent a public health risk and that more investigation was needed. And that initiated essentially what are two groups that have formed out of this soil sampling in neighborhoods around JH Baxter. The first is a multi-agency team which we call the technical work group. It includes LRAPA, the city of Eugene, the Oregon Health Authority, the OSU School of Public Health, and multiple branches of DEQ, which is their hazardous waste program and their cleanup program, as well as their water program. In this multi-agency group, we are sharing relevant information on JH Baxter, because LRAPA handles air, DEQ handles land, and the city of Eugene handles water. A second group that was formed has an intent to engage the community around JH Baxter to provide information about what we are working on the technical group, and what plans are from a regulatory perspective to move forward. This community group includes all of the agencies that are involved in the multi-agency team. It also includes the active Bethel Community Neighborhood Association, Beyond Toxics, an advocacy group here in Eugene Oregon, in Lane County, and then multiple community members who live around JH Baxter. Over the last few months since December, we have had multiple meetings, both the multi-agency team, as well as the community group. We have had four meetings so far in December, January, March, and April, presenting on a number of different topics. LRAPA gave a presentation on March 3rd on Cleaner Air Oregon (CAO), specifically describing where the facility is in the process and talking more generally about CAO, and how it is an air permitting program that will regulate industry based on potential risk to human health, as opposed to regulating based on emission amount. The next meeting will be at the end of May. The intent for this is to include a broader public meeting available to everyone outside of the community group that will provide information about the dioxins DEQ cleanup response, as well as LRAPA's participation in that.

Holston asked if this was the first time that dioxin has been tested for in the soils around JH Baxter.

Hueftle said he believes they did test the soil in the 1990s, possibly 1994, but do not quote him on that. These more recent 2020 samples were much higher than the ones in the 1990s. So, there is some historic data but not a lot. [Note: the DEQ Cleanup Final Record of Decision dated 10/21/2019 states that “sediment samples were collected in 1990, 1993, 1996, 1998, and 2003 from locations in and around the Baxter facility.”]

Holston asked if there is more in the soil now than first tested. And whether or not this can actually be cleaned up? Once it is in the soil, can you actually get it out?

Hueftle said that would be a great question for the cleanup program. He believes it depends on how vertically integrated it is in the soil. If it is just in the first three or so inches, it might be a lot easier than if it is traveled down further. He thinks it will become clearer as the facility comes up with their Cleanup plan.

Holston also asked once they have done the additional soil samples, and once they have created their Cleanup plan, What role does LRAPA play? Do we then monitor to make sure that the cleanup has been done according to what needs to be done or is our role over?

Steve said it has been spearheaded mostly soil by Cleanup through the DEQ Cleanup program. LRAPA would not be the main thrust of the cleanup. But depending on what they use for cleanup mechanisms, for example, an air stripper, then certainly LRAPA would be concerned about the emissions coming from that. But if it is something else where soil is being excavated and taken somewhere else, to be cleaned up in another process, unless it has air emissions associated with it, our role in the cleanup would be pretty minimal, other than trying to coordinate communication, educational information, and awareness like we are trying to do today. We would have a role simply with communication and educational. And if anything does trigger something from an air permitting or monitoring perspective, yes, then we would be involved from that aspect.

Frost said this is very complicated and nuanced. But she would like to know if they were fined. JH Baxter has been fined a very large amount recently. And her understanding is they are trying to get out of paying this fine by pulling in LRAPA, saying that they paid for that already. **Hueftle** said that is a DEQ enforcement action. They have not solicited our opinion on that. All the evidence has essentially been submitted. So, it is just a negotiation between DEQ cleanup, Office of Compliance and Enforcement. We do not have the authority or that kind of role to take part in those negotiations. But he is interested to hear what their reasoning is, and how that all turns out, how successful they are or not in using that line of reasoning.

Frost said they are saying they paid that fine, but that was only for that one specific day that there was an investigation, review of their facility, and they were found to have violated some rule. And they are trying to say that fine covers all of it.

Knudsen said DEQ did fine JH Baxter recently for almost a quarter of a million dollars. Of that, about \$178,000 was for the unpermitted treatment of hazardous waste, basically boiling process water in the retort, which was something that LRAPA issued a civil penalty for back in October of 2019. DEQ’s fine against the facility was for the same practice, but over the course of five years. He believes they are making the argument that DEQ does not have the authority to place that fine, and that they already addressed it with LRAPA with our civil penalty, I believe that is their defense.

Frost replied if you say that, then the answer is we do not care, it does not involve us really at all. And we do not have an opinion and nothing we can do about it. Then Okay, then I guess we do not need to

discuss it. She was at a community meeting yesterday and there was some community discussion about JH Baxter, and we heard from the public and their experiences living near JH Baxter. And dioxin, one of the chemicals that is being evaporated using these chemical evaporation pools. And would they be going up into the air in like vapor and then raining down on communities? She is trying to understand a cycle as to see if she can picture it correctly.

Hueftle said what we think is possible, and probably likely, is that the dioxins in the soils are a result of the deposition from the air emissions from the air that JH Baxter has emitted. So that's kind of the basic gist of it, but it requires more investigation. It could be some other source. So DEQ hopes to find that out with more soil samples from more locations.

Guidero asked if they are still being investigated, they have not ruled out other sources besides JH Baxter, or which source at JH Baxter they are coming from?

Hueftle said the investigation is to determine the degree and extent of the contamination and it will probably get some better indication of whether or not JH Baxter is the main source through soil sampling. LRAPA has been in coordination with the DEQ cleanup and with their soil consultants that JH Baxter has hired. Chris Coulter on our staff is our modeler and he has provided Ann Farris of DEQ with a set of soil deposition modeling outputs to help focus their soil sampling. So that is all going to be happening in the next couple of months. As far as the finalization of the soil sampling plan, and the actual conducting of the sampling, the source of the dioxins at JH Baxter has not really been known. We know that it is primarily in their Pentachlorophenol solutions. Dioxin is an impurity in the Penta itself. And that is being phased out. They are just going to use whatever Penta they have on hand, which will run out in a month or two, and they are switching over to a treatment solution that will hopefully be more environmentally beneficial.

Guidero asked if it was likely that another source besides JH Baxter could be the origination of this. Maybe they need to broaden their look at industry in that area.

Hueftle said that is a good question. If you are familiar with dioxins, it is a compound that contains chlorine. Primarily comes from any combustion or activity that has chlorine in it. There's chlorine in wood and if there's wood combustion, there is going to be some dioxins. General fuel combustion will have dioxins. As far as industrial sources, he is not really sure what potential ones there could be. He thinks we will get more information once we get these soil samples.

Dietrich said we are not ruling out any possibilities right now on other sources, especially if we find other sources either at the same JH Baxter facility or neighboring industry, but also when it comes to the cleanup efforts in any kind of technologies that are used. Again, we are interested in what is going to be used to clean up the soil in case LRAPA needs to be part of that solution.

Saxion asked if there are any pending unresolved enforcement actions that LRAPA has with JH Baxter right now? And the second question is given JH Baxter's compliance history, is LRAPA doing anything as far as enhancing and increasing the frequency or level of compliance inspections, both on site as well as more in-depth analysis of their self-reporting that he assumes they are required to do under their permits.

Dietrich said he did not think we have any other outstanding enforcement actions with JH Baxter. As far as increased inspections, or requirements in the permit. He may have to defer to what Max may know.

Hueftle said that we have always had a fairly high degree of inspection frequencies over the years just because of the public concern and our concern about the odors and the emissions at the facility. COVID put a little bit of a damper on our in-person inspections, but he was checking the inspection database just

the other day, and he believes our staff have been out there over 10 times this this calendar year alone. So fairly, robust inspection frequencies.

Keating said while the frequency may be robust, who is the responsible party for doing checks of the soil of dioxins? For those keeping score at home, dioxins can cause or disrupt one's immune system, affect the reproduction system and developmental issues. It enters the body through contact or most likely through the air we breathe. He prefaces that question because 27 years is a long time in between soil sample collection. Who was the responsible party for doing the studies on the soil?

Hueftle said DEQ Cleanup has been overseeing that work.

Keating asked if the standard operating procedure for DEQ is to wait practically a generation, especially when we hear a report citing potential risk to human health as opposed to the amount of emissions is the tried-and-true practice for assessing a fine or a penalty.

Hueftle said LRAPA was present at a DEQ Cleanup meeting where DEQ was presenting some of the milestones that had been completed around this project. JH Baxter is required to pave parts of their facility and remediate some of the onsite soil. And at that meeting, the public said, when was the last time you did some soil samples? Could you get some more updated information to us? He thinks that was the impetus for this second round of soil samples. And there is more investigation required.

Keating said he would love to learn more about that, quote, potential risk to human health, as opposed to the amount of emissions, that was something in Travis's report that really stood out. He would request at our earliest convenience that we get a report from Cleaner Air Oregon. And he is going to add that to his growing list of new business items. Right along the public testimony requests that he made earlier. So, when we get to that part of the agenda, colleagues, if we could send an invitation to Cleaner Air Oregon. He thinks that the public and this committee would certainly benefit from a conversation and a mutual dialogue.

Berney thanked Keating for his questions. His understanding is LRAPA is the only such agency in the state. Otherwise, DEQ covers all of this. If there were no LRAPA, would this be handled any differently? Would it take longer or shorter? Would there be more or less community engagement? He is just curious.

Dietrich said the first part of your question is LRAPA the only local air agency in Oregon? The answer is yes. Beyond that there is just DEQ from an environmental agency perspective at the state level. The advantages, LRAPA has long standing partnerships and more detailed experience with the facilities in Lane County, we concentrate only on the air issues. If there was no LRAPA here, then DEQ would have to pick that up along with the other programs that they are already involved with at the JH Baxter facility. They would have their air program, their version of Cleaner Air Oregon involved as well. And they would quite possibly have to do multi agency and multi program coordination, that the groups that Max already alluded to and described earlier that they would become part of. It would be more of a DEQ show, and a little bit of health department show rather than a local agency participation.

Berney questioned if that explained the process? His question was would the work be different? Would it be more or less comprehensive? And would it take longer?

Dietrich said he did not want to speak for DEQ and how long it takes them to do their work. They have way more sources to administer than LRAPA does at the Lane County level. Would the same amount of attention be placed on JH Baxter? He would say yes but based on a priority basis. There might be other sources out there that are of more imminent problems to public health than JH Baxter and they only have so many resources just like LRAPA does. So they have to prioritize the work, and then have to address it

from the risk perspective. Like everyone does under Cleaner Air Oregon, you have the top polluters first, the most imminent threat or most potential public threat first, and then work their way down. Now they add air, and because this is actually in their western region, it would be a function out of the Salem, and some cleanup staff in Eugene.

Holston said she did not pretend to know all of the ins and outs of how we work with JH Baxter. But in listening to all of this, she is concerned. Or maybe just needs more clarity, because she believes LRAPA should not be a partner with DEQ, although we are peers, and we work with one another. But we should be more of an advocate for the communities that we serve. And therefore, she thinks LRAPA should be in an advocacy position with the neighborhoods of Eugene, around JH Baxter, to make sure that what should be happening is happening to make sure that the testing is appropriately done and in the right timeframes. Rather than as a partner, we are helping DEQ although she knows DEQ is doing the cleanup. She just wants to make sure that our position is viewed correctly by the community. And we are correct in our position that we are advocates for our neighborhoods, and we are advocates for our cities, as opposed to just the pat on the back to the bigger agencies that do not know our communities.

Dietrich said from the aspect of LRAPA, we are an advocate for the community. As a matter of fact, he thinks that advocacy is part of our mission as an agency. And we strive to do that. Travis's outline of the Cleaner Air Oregon efforts that are already underway and about to take place more at the site-specific level with different industries in Lane County, that is going to ramp up through the summer and beyond. We are going to be part of the whole cleanup effort at JH Baxter all the way through. Albeit we still have to make sure we honor authority and avenues. In other words, we have to stay in the air channel while DEQ does their part from a cleanup and a water perspective. But we do work together on solutions because you do not want one media to negatively affect another media with the outcome of the solution.

Fleck said he appreciated **Holston's** comments. But when he hears the word advocacy, it really worries him. Our role is to be unbiased. We are a regulatory agency; we are not supposed to be advocating one way or the other. If we find that somebody has violated the rules, it is our job to bring the hammer. He thinks the difference is LRAPA's hammer has a velvet glove over it, that we try to work to educate first. When you say advocate, he totally supports that we are here to represent our community. But as long as we are really clear that it is an unbiased and we are imposing a regulatory policy. Period.

Dietrich said he agreed 100% on that, advocacy in our mission is to be cleaning up our environment and protecting air quality. First and foremost. And the way we act to do that is LRAPA is a referee of the air regulations and the laws that are before us to enforce and to put into action through permits and inspections. That is how we go about doing that in that neutral ground that you just alluded to.

Frost said, "Lane Regional Air Protection Agency", says to her that we protect our communities from toxic air. And we have been hearing for decades from West Eugene residents, that they are being poisoned. And we have not done our due diligence. Even if it is in the ground, even a basic understanding of science and earth and air movements is that stuff settles in the ground, and we should be testing it. We should have been testing it this whole time regularly.

Pishioneri said there are so many different perspectives, and he agrees with most all of them. He very much agrees with Mike Flecks' assessment and also Joe Berney and even Kathy Holston. He gets why Mysti Frost is very emotional about this topic and his heart pours out to her. He understands what you are saying and where you are coming from, but we, LRAPA, is an air protection agency, we have a specific charge. We have specific authority, and we have specific duties, we must do them as objectively as possible. LRAPA is similar to a planning commission, not a council. The planning commission has got a specific set of rules. Does this comply with this law? If not, Council has flexibility in that sense.

LRAPA does not necessarily have that flexibility, it does in a sense of how it is administered. But we have got to understand that the charge with LRAPA is very specific, it has nothing to do with soil unless it is emitting gases into the air, it has nothing to do with water test sampling, unless it is emitting something to the air. That is not a realm of our authority, we can work with other agencies and whatnot, but we cannot take the lead or charge on those things. That is why we have the DEQ in the state, we are not a substitute for DEQ, with everything the DEQ does, we are an added ingredient in a plus for the air quality. So that is just coming from his understanding of what LRAPA's charge is, and its policies. He thinks he is expressing very similar to what Mike Flecks thoughts were, his heart pours out to the people that are affected by some of these contaminants, etc., that have been emitted into the soil and contained in the soil. But we have got state agencies, that is their charge, we cannot tell them to do additional stuff, we do not have the authority over them. We have to trust in them and that the groups that are needing help have to go to the agencies that have that authority and charge. People come to us all day long in regard to the water quality up the McKenzie because of the Holiday Farm fire. We cannot help them there. But we can certainly help them in regard to some of the removal with asbestos released into the air and how that is treated. That is something that we can do.

Frost said she was going to push back a little bit and please forgive her; this has been a long struggle. The earth is partner with the air, what is in the earth is in the air. And we, I guess, lack the ability to get accurate information with the tools that we have. Because air changes, and air moves around. And if a community is being rained on by toxic rain, and 10 minutes later, a call goes into LRAPA, and two hours later, one of our inspectors goes out and it is gone. This idea that it is in the ground, and it is not our problem is wrong. She understands bringing in DEQ for help because it is involving a bigger picture. But we should have been testing the soil along with the air. And she wants more investigating into that.

Fleck said air quality in our area is so much better. Because of the years of work LRAPA has done, and he thinks every one of them supports that. And our goals are the same. He hopes **Frost** understands that he certainly wants all of us to be healthy. And to be doing things that are what is best for our community. And in that sense, He agrees with **Holston**, that we are the advocates to make sure that our citizens are healthy. In fact, when you look at Cleaner Air Oregon, County Commissioner Jay Bozievich actually advocated for this and helped bring that forward. And a side note for Matt **Keating**, we are Cleaner Air Oregon. That was legislation that we actually implemented. And we really are doing the good work. But when it comes to violations, we need to treat everybody across the board equally. If they are violating, we need to get them to stop. And he supports that completely. Soil testing is not certainly under LRAPA purview. And as you have heard from many others, we do not even have the legal authority to try to demand those sorts of things. Now, that being said, if we knew there was a problem, and some other agency was not working on it, then absolutely we can advocate for them to do that. And he would wholeheartedly support that. He hopes you understand that he personally supports where you are coming from. He just does it under the parameters similar to what **Pishioneri** said or his understanding of our mandates under state law.

Guidero said she finds herself in a position of agreeing with **Frost**, that soil sampling is a decent diagnostic test for overall air pollution. And she did not know how that can be added to LRAPA's mission or how it could be funded. But, for long term pollution, she knows that at least surface soil samples can be diagnostic, not that we can do anything to clean up the soil, but it would give us an idea of where to go based on levels.

Holston said what centers for her is making sure that rather than saying and trying to identify what our mission is and stand it up and juxtapose it with the issue at hand. She would really like us as a Board and

as an Agency to say, is there anything we should have been doing, or could have been doing that may have prevented some of what is happening. Did we not do our duty? She did not believe that is the case at all, we absolutely did our duty. But we could we have done more. Or should we have done more. The science of air and soil contamination and how it affects human beings is an ongoing and a growing real live process. So, this falls on her and each of us as Board members to be able to say, let us analyze, let us make sure we did our due diligence as we know it.

7. ADVISORY COMMITTEE:

Daniels said for their April meeting, they had a “get to know you” session with Steve Dietrich. It was a good discussion. For the May meeting, they are planning to have a presentation on Cleaner Air Oregon. How it is managed by LRAPA.

8. DIRECTOR’S REPORT OF AGENCY ACTIVITIES FOR MARCH 2021:

Dietrich spoke about the highlights in the report.

Air quality index perspective was good for the month for April. All readings are in the good or moderate range. In other words, nothing unhealthy. From a complaint standpoint, the majority of the complaints were smoke related mostly due to outdoor burning. And the next runner up on that would be the miscellaneous unknown dust and then industry. From an enforcement standpoint, we have got a total of four, one being new, two pending and one is closed for the month of April, which I will get into a little bit later on in the document here in more detail. There is an asbestos table, 33 abatements inspected. We are required by EPA to meet 15% inspection requirement. We are running right around 22% on our inspections. And coincidentally, during this whole COVID and access to the office limitations, we have continued to do a good job with dealing with not only the notices, but also the certifications and the allowable activities with the contractors that have come in to do their work and get that permission from LRAPA. We have made it so that we are making that happen as quickly as possible so work can continue. On the permitting side of the house, we have issued 17 permits this month. In total, there is 45 active for the whole month. But the 17 is what has been issued for the month of April.

Dietrich spoke about some of the highlights on the NACAA Washington updates.

Berney shared the process the county is making with its budget; They get reports from the divisions. Road crews is a part of Public Works. Road crews in Lane County manages more miles of road than any other county in the state. And they were told that road crews were at the roads of the Holiday Farm fire prior to it because there was a windy event that was knocking down a lot of trees. And they reported to us that they are taking active measures because they are expecting, and we are now experiencing longer stretches of hotter and drier weather. When we were shown a presentation by the Emergency OPS, they also are organizing, and this all-costs money, as it relates to trying to make communities mitigate the risk. Of course, we cannot mitigate it entirely. And within the context of all that stuff you mentioned, he wanted to say the county is going to be receiving two of the three tranches of dollars from the American Rescue Plan. The first tranche they probably get with Treasury guidelines is \$37 million. And that is largely going to backfill losses that have occurred and are expected more and more with this climate stuff. But we are also going to aggressively compete for and apply for dollars that have nothing to do with our allocation. And what this is leading to is he thinks there is an opportunity for LRAPA to partner with the county and try to acquire dollars, because there is not much we are going to do that is going to affect global climate change. But what we can do is develop pilot programs that have implications for areas across the country. And for example, the Oakridge project that we are going to get a report on. Steve Dietrich will have a wonderful opportunity to work a little closer with the County than he thinks

this agency has done in the past. And he thinks they can apply for some dollars together. There is going to be a point where the Board of Commissioners is going to request community input on what we should incorporate into dollars, we are going to compete for on behalf of community partners that I am inviting you to review, and Chair **Pishioneri** and Vice Chair **Holston** to perhaps participate in a presentation to the Board as it relates to that.

Keating said he thought Commissioner Berney was spot on and he appreciated him making an overture and invitation to have LRAPA at the table and increased opportunities for relationship and investment. He also recognizes that we cannot solve a global climate change in our neck of the woods alone, but we can lead the way and send a signal. In regard to our leadership, we are a unique organization as defined in our mission. **Keating** thanked Dietrich for this detailed report. But, regarding the week April 3rd-9th where the planet Earth reached atmospheric CO₂ levels of 420 parts per million. He is saddened for a variety of reasons, but that should have been international news that day. But right around there is a point that he recalls reading about groups petitioning the EPA to the way this reads, is to remove methane and anything from the list of negligibly reactive volatile organic compounds. Maybe he is interpreting that bullet point incorrectly, but he recalls there being a variety of environmental groups that were petitioning to sew up the loophole to include these VOCs, as negligibly reactive. He asked if you could you drill down a little bit more on that and, maybe what exactly you are referencing?

Dietrich said he thinks we are talking about two slightly different applications and trying to regulate the same pollutants. From the greenhouse gas perspective, methane has two and a half times potential CO₂ for global warming. When it comes to methane and ethane being regulated as a VOC, or in all cases, when it comes to regulate hazardous air pollutants is the other terminology that's kicked around by EPA when I tried to make the list of air toxics and or VOC is a deregulate the reactivity of methane and ethane is a VOC is not as a big concern, when it tries to be considered for that list of hazardous air pollutants or VOC's, as opposed to the other list that deals with global warming potential. He thinks the reactivity of VOC's when it has the potential to make ozone and things other pollutants and other health concerns in the atmosphere as opposed to just the global warming aspect. He thinks we are talking about two different applications of the same pollutant are being categories and categorized in two separate places under the Clean Air Act. On the one hand, it has not been regulated as a VOC and has not been for quite some time. It actually was listed a while back if I am not mistaken. But then when it comes to global warming potential and greenhouse gases, is definitely on the list of the six major compounds.

Keating said the groups you are referencing, because the way he read it, there is a fossil fuel interest that wants to exempt these compounds. And there are environmentalists that want to insert these compounds into these lists. Kind of a laypersons, 30,000-foot snapshot.

Dietrich said you've kind of phrased it the right way. He thinks the ultimate decision is EPA will have to make is trying to base it on the best science that they have to be able to see. What universe of industries that affects, and how big of a health concern it could actually be if we are looking at it from a health perspective, to decide on whether it needs to remain or be put on a list.

Keating said he remembers when he read about this, from a certain point of view, a certain perspective. Reading about it in April, there were groups petitioning the EPA to include methane and ethane in the list. He would just request, looking at it from multiple points of view. He also recognizes that you highlighted what should be the front page above the fold point of the news that week as it relates to our mission. That is when atmospheric CO₂ passes 420 parts per million, which is alarming.

Knudsen said public affairs over the last week had multiple community engagement meetings with JH Baxter, the Active Bicycle Community, Neighbors Association, as well as the core team on JH Baxter.

We had air quality Awareness Week that took place in May, which went off well. We are planning on Cleaner Air Oregon meetings coming up in June and we had some windy, dry weather that caused us to ban temporarily outdoor burning early in April. And a portion of time has been spent putting together a new webpage on LRAPA's website, which has been something we have heard from the JH Baxter community core engagement group that they have been wanting. This is an effort to meet the needs of community members. On LRAPA's homepage under air quality tab, we have air toxics monitoring. And this is a webpage that goes into the specifics of our air toxics monitoring, what they are, how we are taking those measurements, and what the different categories are. And it kind of lists what our air toxics of greatest concern are in Lane County. What our monitoring has shown over the last couple of years with some information about what it is, where it comes from, and what are potential health effects? What are some of those sources? And this is something that DEQ does not necessarily have in way of a webpage or just air toxic web pages, in general, are not information that is commonly published in a very accessible way, simply because the data from air toxics takes so long for that to come back, and then it has to be analyzed and go through sort of a screening. So, this is something that we have put together and attempts to provide more information about our own air to committee members. Just wanted to make sure that the Board was aware of this new resource that we will be pointing the community to. And this, again, is a response to community questions and desires to have more access to this information. It is now live on our website. And it will be linked in a few places to make it easier to find.

Dietrich, also mentioned as far as the Director's report, if we go to the upcoming Board agenda items. July 2021, we have an appeal from an individual for their notice of non-compliance. An appeal packet of information will be sent to the Board, we are going to send it to you in June. So, you have a whole month to look at it in anticipation for that appeal that is going to take place in July. It is also being timed so that the attorney can be present.

Saxion said he is curious if we could get some information in a future meeting regarding enforcement actions. How many are the result of the permittee self-reporting a variance with their permit versus staff discovering a violation of their permit conditions, either through an onsite inspection, or a review of any self-reporting information that the permittee is required to submit to LRAPA? How they occur, and he assumes some of them could be the result from a citizen complaint, and then a follow up with an inspection.

Dietrich said as far as in this report, all of the enforcement actions that he mentioned earlier, the four were related to outdoor burning activities. So that is an easy one to categorize, when it comes to going out and seeing if there are some illegal activities that do not quite meet our requirements. From the facility self-reporting perspective, a lot of what is going on right now is the facilities have to submit their emissions inventory or their annual reports. And that is a report that is required to come to us. It is part of their permit conditions to report to us on things they are getting, the permit conditions actually describe it, they have to monitor, keep records or test. And those reports come to us. So that's part of that self-reporting that you mentioned earlier. And depending on what we find in those reports, those could be things that are determined to be violations. Or if it is simply late with a report, they get a warning letter for being late with a report from a paperwork violation perspective. Complaints sometimes take us to facilities to investigate what the complaint's all about. And sometimes we find things that are worthy of some kind of compliance activity that is not quite up to snuff with their permit or with the air rules in general. And that could result in some type of enforcement action. Or it could simply mean that we have to explain why the event occurred, and they were inside their permitting parameters. We try to do both of those. It was an open mind perspective and investigative techniques that we use. If you wanted a tally of what those facilities were, we will have for next time. In general, percentage wise, or numbers wise,

we could try to get that to you. If that breakdown of what is coming from our own investigations versus voluntary disclosure, we could try to come up with something for you, if that is what you are interested in seeing.

Saxion said he would be interested; it does not necessarily have to be the next meeting. He is just kind of curious as to what that breakout is. And he thinks it would be helpful for him to understand whether it is just internal record keeping problems or failure to meet all their permit conditions, versus LRAPA staff going out and finding problems, like pollution equipment not being operated correctly, or something like that.

Dietrich said sometimes they are not monitoring equipment, and it does not operate correctly. You have excess emissions that shows up in their reports, and we see how long that took place because the records, a lot of times, are continuous monitors that record real time data.

9. OLD BUSINESS:

Mirhosseyani said he has been in touch with the auditor regarding the audit report. It has been delayed. Usually, the audit finishes sometimes at the end of the calendar year, and then the report is presented to the Board in January or February. But unfortunately, because of COVID, it has been delayed. We have been in touch and hopefully we can have the audit finished and reported to you in June.

Mirhosseyani also said regarding the RFP/RFQ for auditors, it would not be a good idea to have the audit review and RFP/RFQ at the same time. We have been delaying the RFP/RFQ until the audit is finished.

10. NEW BUSINESS:

Keating wants to review public comment policy for the sake of accessibility. Allowing folks to provide testimony both in the written and the oral space. A brief conversation at our next meeting and see if we can land in a place where we all agree. Also, as he mentioned, an interest in having a Cleaner Air Oregon conversation, a larger conversation about Cleaner Air Oregon adopted, or the governor adopted the rulemaking process in 2016. Before his time serving on this Agency's Board the Environmental Quality Commission adopted Cleaner Air Oregon rules in November 2018. He thinks it would be an opportunity to have a larger conversation with the state agency about Cleaner Air Oregon. How the mission and Cleaner Air Oregon is operating in regard to holding industrial facilities accountable.

Fleck said that is a great segue into what he would like to have as a future agenda item. What is the authority of LRAPA, and he is not talking about down to the whole rules section through Title 51. If you go on our web page, you can see all of the rules that are listed there. And this is the authority that we have. He thinks there is some real misunderstandings. He thought Guidero had a great suggestion about soil testing, measures to help us determine air quality. I do not know if we have the authority on that or not. He thinks that is a good conversation to have. And he is not suggesting that we do not do stuff, I understand that we are very limited on what we can do. Councilor Taylor, when she was on this Board wanted to do tailpipe testing, and one of the conversations from Merlyn is we do not have the authority to do that, or your air quality does not dictate us to have that authority, and therefore, we could not do it. There was a lot of conversation today and he does not believe we have the authority to do, but he did not want the perception is that we are just like, oh, well, we do not want to do it. He is curious, what we can do? And if there are things like what Guidero suggested. We might need to advocate to the legislature to change the rules so that we can do them.

Guidero said she is moving out of the city of Springfield. She will really miss everyone and feels like her position on the Board with LRAPA has been a place where we all have had the ability to have a lot

of impact on our local community. She will be submitting her resignation to the city today. She will sit on the Board as long as possible until there is a replacement.

Holston thanked Gabrielle Guidero for her service and wished her good luck with the move and establishing your new office. She wanted to acknowledge that LRAPA is one of the sponsors for an event that they are having in Oakridge on May 21st. The Oakridge- Westfir Community Wildfire Safety Night. We are going to be talking about Oakridge Air and all the impacts that it has had in our community, as well as wildfire protection. Also, just to let LRAPA know that Oakridge is actively pursuing a biomass campus at our industrial park. We have one vendor that is very interested in establishing a wood straw program. And the reason she brings this to our attention is this is using biomass in the fuels reduction that is going on in the forests around us to produce not only something that that adds to our economy but is a way to encourage thinning of our forests and management of wildfire fuels. And she appreciates all that Travis has done helping them advertise what is going on with our Oakridge Air program.

Keating said he was going to channel his inner Betty Taylor. Carbon Monoxide as referenced on LRAPA's website. It is a colorless, odorless gas that is released when something is burned. Carbon monoxide comes from cars, trucks and other machinery that burn fossil fuels. Breathing in large quantities of carbon monoxide can reduce the amount of oxygen in the bloodstream. That is on our website. Air Quality is our purview. He thinks Councilor Taylor was on the right path. He will continue to advocate for her keen observation about monitoring tailpipes. He is happy to continue that advocacy word that keeps coming up. Something that we can do if there is not necessarily in our wheelhouse or our purview, is advocate with our lawmakers. Before his time on this Board, he recognized from afar that Merlyn Hough had a relationship with lawmakers. And Steve, he suggests, you have a dynamite relationship based on your work for years with DEQ. He did not know the history of lawmakers coming to this Board and building a relationship with LRAPA. But he suspects without wanting to speak for any local legislators. He suspects there would be great interest in establishing relationship with us and so we could probably gain a lot of traction and a lot of mutual goodwill and glean some key information about future legislative cycles and how we could be helpful partners to advocate for our communities, even though there might not be something directly in our wheelhouse. If we were to invite a lawmaker to a future Board meeting, and with the legislature wrapping up shortly, he would suspect strongly that there would be some lawmakers willing to come and visit us and have an engaging conversation.

The meeting adjourned at 2:02 p.m.

NOTE: June 10, 2021, meeting will be held via Zoom – details to follow

Respectfully submitted,

Debby Wineinger
Recording Secretary