

A G E N D A S

LANE REGIONAL AIR PROTECTION AGENCY
BUDGET COMMITTEE MEETING
MONTHLY BOARD OF DIRECTORS MEETING
THURSDAY MARCH 12, 2020

Note Location → Oregon CPR/Your Meeting Space
657 W Centennial Blvd. Springfield, OR 97477

BUDGET COMMITTEE MEETING

1. (11:00 a.m.) **Call to Order**
2. (11:05 a.m.) **Introductions**
3. (11:10 a.m.) **ACTION ITEM:** Election of Chair and Vice-Chair for 2020
4. (11:15 a.m.) **INFORMATION ITEM:** Overview of Budget Binder (Nasser)
5. (11:20 a.m.) **INFORMATION ITEM:** Overview of LRAPA Programs (Merlyn)
6. (11:35 a.m.) **DISCUSSION:** Q&A on Overviews (Staff and Everyone)
7. (12:00 p.m.) **RECESS OF BUDGET COMMITTEE MEETING**

RECESS/LUNCH 12:00-12:30 P.M.

8. (12:30 p.m.) **WALK-THROUGH OF BUDGET BINDER** (w/focus on highlighted changes)
9. (12:40 p.m.) **DETAILED Q&A AND DISCUSSION OF BUDGET BINDER**
(with follow-up questions to be addressed in the weekly Friday updates)
10. (1:30 p.m.) **ADJOURNMENT OF BUDGET COMMITTEE MEETING**

BOARD OF DIRECTORS MEETING

1. (1:30 p.m.) **Call to Order**
2. (1:30 p.m.) **Adjustments to Agenda**
3. (1:35 p.m.) **Public Participation** (time limited to three minutes per speaker)

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.)

C. Comments from Board Members (Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but, if it deems necessary place such items on future agendas.)

ACTION ITEM: Consent Calendar

4. (1:40 p.m.) A. Approval of Minutes of February 12, 2020 Board of Directors Meeting [view material](#)
- B. Approval of Expense Reports Through February 2020 [view material](#)

REPORTS:

5. (1:45 p.m.) Advisory Committee [view material](#)
6. (1:55 p.m.) Director's Report of Agency Activities for February 2020 [view material](#)

DISCUSSION:

7. (2:05 p.m.) Succession Planning Update [VIEW MATERIAL](#)
8. (2:15 p.m.) Old Business – Election of LRAPA Board Vice-Chair
9. (2:25 p.m.) New Business
10. (2:30 p.m.) Adjournment of LRAPA Board Meeting

If you have questions regarding items on this agenda, would like to request a copy of backup material for an agenda item, or would like to be added to the mailing list to receive the agendas for the monthly LRAPA Board of Directors meetings, please call Debby Wineinger at (541)736-1056 Ext. 219.

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Please contact the LRAPA Non-Discrimination Coordinator at accessibility@lrpa.org or by calling the LRAPA office at 541-736-1056 ext. 233.

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY

BOARD MEETING

MARCH 12, 2020

Oregon CPR/Your Meeting Space
657 W Centennial Blvd. Springfield, OR 97477

ATTENDANCE:

Board: Joe Pishioneri – Board Chair - Springfield; Jeannine Parisi - Eugene; Charlie Hanna - Eugene; Gabrielle Guidero – Springfield; Joe Berney – Lane County; Kathy Nichols - Oakridge

Board Absent: Mike Fleck - Cottage Grove; Mysti Frost - Eugene; Betty Taylor – Eugene

Staff: Merlyn Hough; Debby Wineinger; Nasser Mirhosseyni; Max Hueftle; Colleen Wagstaff; Lance Giles; Travis Knudson; Laticia Comer

1. **OPENING:** Pishioneri called the meeting to order at 1:35 p.m.

2. **ADJUSTMENTS TO AGENDA:** None

MOTION: Parisi MOVED to nominate Adam Rue for Chair; Houston SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

MOTION: Pishioneri MOVED to nominate Gabrielle Guidero for Vice Chair; Lamberg SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

3. **PUBLIC PARTICIPATION:**

Jeanne Olson

Ms. Olson works for J.H. Baxter. Recently they have been under attack by Beyond Toxics, a lot of the information is not only not factual, it's downright wrong. There is a video that was taken by a drone that includes two of our employees without their permission. It's on the Beyond Toxics website, Facebook, and YouTube. She knows this Board has a lot of members who support Beyond Toxics and their work. But there is another side to this story. J.H. Baxter was established in 1946. It's a small, family owned company. We pay living wage jobs and have excellent benefits. Our longest-term employee has been there for 44 years. We are a certified woman-owned business. We have invested countless dollars into pollution and odor emission

controls. We recently replaced out evaporator for process water. We have a vapor phase carbon unit to collect process air, we use low-naphthalene creosote. Our products go into vital infrastructure projects. The products we produce have a lower carbon footprint than alternative products such as concrete and steel. It extends the longevity of the timber that is harvested. One example of the erroneous information that Beyond Toxics is putting on their website is these wastewater ponds contaminate the soil and the ground water. They are 3.1 million-gallon tanks of rainwater that we are required though our permit to contain, treat, test, then discharge. This is just one thing that is blatantly being misrepresented. There is a misconception that we are some huge corporate bad guy that is not being a good, responsible part of the community. The plant has been there since the early 1940's, way before there were neighborhoods around. It's not good to have heavy industrial and residential in the same spot but that is the work of the planning commission and zoning laws. LRAPA supports an organization that is putting out disinformation and is hurting people that live in the community. Beyond Toxics is going door to door, talking to people that work at the plant and live in the neighborhood, and putting false information out. [View handout from Ms. Olson, J.H. Baxter](#)

Parisi thanked Ms. Olson for coming and giving her comments today and she wanted to clarify that when Ms. Olson says the LRAPA Board are supporting Beyond Toxics, why did she think that? We are an elected Board, there isn't any financial relationship with them. She sympathized with her about the misinformation. She wanted to be clear that this Board has no relationship with Beyond Toxics. Ms. Olson replied that one of the Board members works for Beyond Toxics. **Parisi** said that they don't appoint Board members, that was the Mayor that made the Eugene representative appointment. We are all appointed by elected officials and people serve for different reasons. That appointment was not a decision that LRAPA or any Board members made. Mysti Frost announced at the last meeting she is no longer working for Beyond Toxics. Ms. Olson said that in the last Board minutes, **Parisi** indicated she was at the Board meeting to hear about the Beyond Toxics neighborhood meeting. Ms. Olson didn't see there where they were asking input about people being called in for Cleaner Air Oregon. **Parisi** said that may be true and that she did want to hear about what happened at the meeting, but maybe for different reasons.

Hunter Bell

He started working for J.H. Baxter about a year ago. He has worked several different jobs, but this one is a community and team in the workforce, and he has never seen so much false information put out as his boss, Ms. Olson just spoke about. He really enjoys what he does and the growth there. They have a lot to do with timber on the west coast. America was built on wood and steel and grew from there. They have great leaders out in the yard, they are constantly trying to grow and make improvements and stay up to code. He was one of the J.H Baxter personnel in the drone video, walking with his yard supervisor. He was not aware he was under surveillance from up in the air on private property. It concerns him because all he was trying to do was work and when he is being monitored for just doing his job and trying to make a living, he wasn't okay with it. He got to see more than just the picture that Ms. Olson brought in today. People get a funny feeling or feel a little sick and then suddenly they blame it on the J.H. Baxter. You just want to blame it on the little man. We are a mom and pop family business that's wrong to falsely accuse. He remembers as a kid going across Eugene seeing all the mills shut down. It's

sad because it is putting people out of work. People that do care about the community but also care about the industry they are in.

Nichols asked if J.H. Baxter has filed a complaint with Beyond Toxics. Mr. Bell did not know. **Nichols** also asked what it was specifically he was asking of LRAPA. Mr. Bell said basically, to not believe the poison they were trying to feed.

Marvin Owens

Mr. Owens is a member of Northwest Region Council of Carpenters, local President of 3091 in Eugene, J.H. Baxter plant. J.H. Baxter is a fine company, they work for the community with living wage jobs and long-term employment. He has worked with J.H. Baxter for thirty-seven years. He understands the smell complaints and LRAPA has been working with J.H. Baxter for many years now. They know, and you know, what is really going on at the plant. He asks that the Board continue working with them and together we can make everybody happy.

Berney said this group is not Beyond Toxics and Jeannine **Parisi** was correct. The one person who is on this board that had worked for Beyond Toxics, no longer works for Beyond Toxics. He believes in objective, fact-based partnerships that Mr. Owens said is the only thing that continues. **Guidero** said she believed very strongly that government is best when it is more local and LRAPA allows us to be local. We exist in the same community as you do. We want the jobs and enforcement that is evidence based. She supports industry being the base of the economy in the community.

Thomas Price

Mr. Price thanked the volunteer Board members and staff. He has a thirty-year history with hazardous materials and toxic issues. He has worked for J.H. Baxter for the last three months. He has also been on the Eugene Sustainability Commission. He is here today with some of his crew to say the attacks were getting to be a little bit too much from Beyond Toxics. Mr. Price was very emotional. He said the Beyond Toxics' attacks affect their work. He appreciates the work LRAPA does and he knows LRAPA is between both sides, but he is wanting everyone to hear that Baxter is doing the best they can. He attended the neighborhood meeting that Ms. Olson mentioned. A State Representative handed him the mic to speak for J.H. Baxter and it was not well received. The mic was taken away from him by the facilitator of the meeting. We are trying to do the best for our community. He is a scientist and there was no scientific basis to the questions that were asked. The data they presented was not scientific at all.

Pishioneri thanked everyone for coming in today. It's refreshing to see people come in and he really appreciated their perspective and taking an emotional risk.

Nichols also thanked everyone for coming in today. Has there been any change on how LRAPA monitors J.H. Baxter? **Hough** said he has been with LRAPA for fifteen years and has seen significant improvement over that time. One recent exception was the recent enforcement action based on the October 2019 incident. He has expressed appreciation to them for the changes he has seen overall, such as Best Work Practices Agreements negotiated and implemented with the

company since 2005. Some DEQ representatives came down a year or so ago and looked at the series of improvements over time and their comment was it was years ahead relative to their relationship with a similar company. Regarding changes, they are one of the five companies initially put on the LRAPA list for the Cleaner Air Oregon call-in. **Nichols** asked if LRAPA worked in any way to dispel rumors when companies are unfairly targeted. **Hough** said we find ourselves frequently in the middle. We don't go out for industries and try and be their champion, but we do clarify, for example, the difference between steam plumes that are perceived to be excess pollution. It's a general response rather than defending an industry. **Nichols** asked if LRAPA acts as a proactive voice of reason and fairness and doesn't take a position on one side or the other and you are saying you had a good working relationship with this company and continue to? **Hough** said yes; however, we sometimes must take enforcement actions and the company doesn't always agree. We try to stay true to the facts, science, and the rules. **Nichols** said the reason she asked these questions is so everyone at J.H. Baxter realizes what our position is. As a Mayor, she knows how difficult it is to come forward. Mr. Price said his working relationship with LRAPA was not in question. He thinks there is some pressure on LRAPA right now under this lens.

Berney said he knows Thomas Price, and that he speaks with a lot of credibility.

Parisi said she appreciated everyone for coming in today. We rarely hear from industry and in large part industry is the reason LRAPA is here. It would be good for Board members to visit some of the industries. It would be beneficial for Board members in the future.

4. ACTION ITEMS:

Consent Calendar:

- A. Approval of Minutes of February 2020 Board of Directors Meeting
- B. Approval of Expense Report for February 2020

MOTION: Parisi MOVED to approve the Consent Calendar; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

- C. Election of LRAPA Board Vice-Chair – **(Moved up on agenda from Old Business)**

MOTION: Pishioneri MOVED to appoint Kathy Nichols as Vice Chair; Berney SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

5. ADVISORY COMMITTEE:

Jim Daniels said they discussed proxies for meetings or alternate LRAPA Citizen Advisory Committee (CAC) members. If we needed expertise from a committee member that was unable to attend, we would invite someone else to provide the information or perspective. The other question was the rare occasion when we would need to vote. Link Smith with Department of Forestry said they had some language in their bylaws for a similar group that he would share to

see if it is something, we would want to add to CAC bylaws. **Pishioneri** recommended contacting McKenzie Watershed, they also have a good policy.

They also had a presentation on the U of O Cleaner Air Spaces program.

Hough suggested that the CAC see about a facility tour for CAC and Board.

6. DIRECTOR'S REPORT OF AGENCY ACTIVITIES FOR FEBRUARY 2020

Hough said the main highlights were the hiring of three new staff members. Public Relations Manager – Travis Knudsen and two Field Compliance Inspectors – Aaron Speck and Ron Vernesoni.

Pishioneri said there has been a push by the state on compliance/enforcement regarding certification for enforcement actions. They must be certified or licensed through the state now.

Hough said he would check on it and get back to the Board.

DISCUSSION:

7. SUCCESSION PLANNING UPDATE:

Hough said the RFP for a recruitment/search firm has been published with proposals due by April 10, 2020. Since the full Board was not present, they will continue the discussion on next steps at the next meeting.

8. OLD BUSINESS - ELECTION OF LRAPA BOARD VICE-CHAIR:

9. NEW BUSINESS:

Parisi said she was a little concerned that J.H. Baxter was here today with an impression that we supported a non-profit. Obviously, they are reading the minutes and they interpreted something in the minutes about her personal position about J.H. Baxter. She didn't know if there was anything, we could do about it. She understands they have a PR issue and we can't fix that.

Pishioneri said people speaking during public meetings are entitled to speak as they wish, and it can make some people uncomfortable. **Guidero** said it was brought to her attention why there was concern with LRAPA and Beyond Toxics because there were LRAPA staff at the meeting.

Parisi thought it would be important for LRAPA to have a presence and help manage some of the misinformation. That was one of the reasons she wanted to hear back from Mysti Frost.

Hough said staff was invited by Mysti Frost and it was important to hear what they were saying and to correct misinformation. **Guidero** thought it would be useful to have a policy about attending these types of meetings and that it is clearly stated that you are there as an impartial observer. **Nichols** suggested that if a Board member suggests we go to something they are connected with, the invitation should come from the organization and not from a Board member because you are wearing double hats. **Pishioneri** thought it was unfair for staff to get a recommendation from a Board member to participate in anything without the full Board's knowledge. He thinks it was inappropriate for Mysti Frost to make the request and if there is any

participation by a member of this organization, it may be taken that you are representing the Board and could be seen as making a statement or endorsement, one way or the other. This could cause a legal issue. It's fine to be present if you want to see what's going on in the community, but as an organization we need to be a silent party. **Wagstaff** said from conversations with John Morrissey they were just there observing, and they were approached with questions. **Pishioneri** said that puts those staff members in a tough position. We don't know how the responses are going to be received and the conversation is not part of a record. **Hough** said we want to be sure we can correct misinformation when we can and guard against the criticism that we don't care about the issues. **Pishioneri** said it needs to be documented or recorded to have a record and you can't record an event unless you have permission from participants. He didn't think it should have happened the way it did. **Hough** said he appreciated J.H. Baxter coming and talking to the Board about their concerns.

NOTE: The April 09, 2020 will be held via Zoom – details to follow

The meeting adjourned at 2:35 p.m.

Respectfully submitted,

Debby Wineinger
Recording Secretary