

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

Meeting 13

Monday, April 4, 2022

Meeting Summary

Participants for all or part of the meeting: Ali & Jeremy Aasum (Community Member/BT), Lisa Arkin (BT), Robin Bloomgarden (Community Member), Dylan Darling (DEQ), Steve Dietrich (LRAPA), David Farrer (OHA), Todd Hudson (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Kelby Land (LCPH), Emily Pyle (ABC), Diana Rohlman (OSU), Susan Turnblom (DEQ), Jon Wilson (CoE), and Lin Woodrich (ABC).

Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting.

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 13th Core Team meeting. Participants included West Eugene community members, and representatives from the Active Bethel Community (ABC), Beyond Toxics (BT), City of Eugene (CoE), Oregon Department of Environmental Quality (DEQ), Lane County Public Health (LCPH), Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU).

Donna welcomed the group to the Core Team meeting and noted that today's session was intended: to reflect on the OHA and DEQ public meetings and discuss next steps; to provide updates on DEQ, OHA, LRAPA, and community efforts; and to consider the Core Team's value and challenges, in order to assess the Team's future.

Follow-Up From Last Session – Core Team members offered updates and follow-up since the previous session. Specifically, people shared their reflections on what worked well and what could be improved regarding information sharing with a broader public. They reflected on the DEQ and OHA public meetings regarding soil sampling and health risk assessment results, and BT's Tackling Public Health and Pollution in Eugene session with local leadership.

OHA and DEQ Public Information Sessions:

- Jeremy shared that, from his perspective, the public information sessions were useful and needed. He noted there is a lot of information to share and encouraged the agencies to err on the side of sharing more information when possible. Even when there are gaps in information and unknowns, it is helpful for community members to have access to what is available and know what is coming next. Jeremy reflected that people take information in differently; however, not knowing or having access to partial information causes concern and anxiety.
- Mike noted a sense of contention at the OHA meeting of March 1st that he did not notice at the DEQ meeting on February 17th and wondered whether others noticed this and what may have caused the different tone?
 - Multiple community representatives noted this was likely because the first meeting did not address the health impacts, whereas the second meeting was all about the health impacts.
 - Community members are concerned about the health impacts, as it impacts their health and families.
 - Regarding the information that was shared, Lisa reported hearing from some community members that they felt that the information was trivialized and that the agencies could have provided a higher level of information.
 - Donna pointed out this is a constant balance for public meetings – how to communicate both introductory and advanced information in ways that support the range of understanding in the group.

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- Additionally, some community members reported concern that the agencies were not doing enough to protect them and their neighbors. Jeremy gave the example of soil testing at Trainsong Park: people living near the park would like to have testing done in the neighborhood ASAP and they are not familiar with the processes and rationale for why the agencies are taking a step-by-step approach, and so it might appear that the agencies do not have the community's best interest in mind.
- Travis shared that, since the meetings, the cross-agency technical team discussed the concept of "molecular fingerprinting" which came up at the public meetings and remains an unknown to the technical team. There was a lot of interest expressed from community members for this type of testing, however, the agencies are not familiar with the testing. This seemed to cause some friction and perception that the agencies were not "hearing" the community's requests.

BT's Session - Tackling Public Health and Pollution in Eugene:

- Lisa reported on BT's recent public session on tackling public health and pollution in Eugene. The event included multiple city's Council representatives and a County Commissioner. The goal of the session was to give people a better understanding of how decisions made in the past impact decisions today. BT provided a short history of the West Eugene area and discussed how to use that information moving forward to make better decisions. She noted the elected officials want to make better decisions and are very solution oriented.
- Donna recapped what she heard regarding the zoning history of the area: previously the code included a plan to require buffers between industry and neighborhoods; however, that was never implemented. Now, the shortcomings of zoning implementation are apparent in that West Eugene is a food desert and an island of residential and industry.
- Robin noted learning a lot from the session and encouraged BT to continue offering these types of sessions to the community.
- A recording of the session can be accessed here: <https://www.youtube.com/watch?v=J8yl6tUC6Yw>) and the Register Guard recently produced an article of the event: https://eugeneregisterguard-or.newsmemory.com/?token=49af92435c76c7f3f0f376702a42bfd0_624b284e_cd59afc&selDate=20220404 .

Updates – Group members provided updates on soil sampling and cleanup, enforcement and hazardous waste, agency priorities, and various community-led efforts.

Soil Sampling

Susan reported that DEQ is working on cleanup of five properties and is meeting with residents/owners of two additional properties next week to do sampling that was not done in the previous round of residential sampling. DEQ will be meeting with people at the residences to get a better idea of what will need to be done for cleanup. The June 30th deadline for cleanup is approaching fast and causing some concern. DEQ expects work to be conducted within the next couple months. Mike noted he has concerns as to whether cleanup will be completed by the end of June.

Susan also reported that DEQ met with U.S. Environmental Protection Agency (EPA) and provided them a list of about 80 residences that DEQ would like EPA to sample. DEQ is awaiting a response from EPA. Lisa mentioned that, during the community health survey, the BT team heard from people living on La Casa Street just outside of the area of investigation: in the past, black particulate would fall from the sky. They attributed the particulate to JH Baxter.

Regarding Trainsong Park, DEQ received the first set of sample results on March 18 and 24th and have been working with the City of Eugene to consider the results and additional needs. The good news is that most of

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the park does not have high levels of dioxins. However, there are some areas that need remediation. DEQ identified a couple of areas where more information is needed. At this point, they are anticipating a need to take samples on the eastern edge of the park and within the neighborhood; the agencies are still working on details for sampling. Later this week DEQ Director, Richard Whitman, will brief the Environmental Quality Council, and DEQ and OHA will meet to hone their recommendations to the City. Following those conversations, a joint news release will be made public (expected to be released by the end of the week). Mike offered to hold a pre-meeting with the Core Team ahead of the news release if there is interest. [Note: no one signaled interest during the meeting.]

In response to inquiry, Susan shared that the soil testing at Trainsong Park included testing for a variety of chemicals, however, similar to near JH Baxter, only dioxin and furan levels came back at levels of concern. It was noted that on the recent BT Environmental Bus Tour, a neighbor in the Trainsong area who lives on Haag Street (just southeast of the park) reported having their soil tested and results showed levels of dioxin above 4.7ppt.

Dylan noted that both the DEQ and LRAPA websites have been updated with a Frequently Asked Question document that provides responses to common questions on JH Baxter and Trainsong Park. He encouraged people to share that site with neighbors.

Hazardous Waste and Enforcement

Susan reported that DEQ inspectors made an unannounced visit to JH Baxter; this was the second DEQ inspection since the plant “mothballed” in late January 2022. DEQ inspectors reported that there are three staff remaining at the facility to make sure that JH Baxter is meeting their permit requirements. There were not any new violations noted during the second inspection. However, last time they went, there were additional violations which have been incorporated into the enforcement actions.

Regarding enforcement, Sarah provided a written update that the hearing was postponed from May to August 2-4 to allow DEQ to incorporate and hold JHB accountable for newly discovered violations. DEQ is currently revising the Amended Notice to add hazardous waste and water quality violations discovered since the case was issued. As a result, the civil penalty will be increased. Baxter has addressed the violations and DEQ does not believe they posed a significant or ongoing risk to the public. The violations included:

- Untreated stormwater overflows from the stormwater pond in December and January.
- In February, DEQ inspected and found unlabeled and undated containers of hazardous waste and used oil. At that inspection DEQ also observed some hazardous wastewater spilled outside of secondary containment, onto the ground. DEQ has followed-up with Baxter on the requirement to completely and accurately characterize their hazardous wastes, specifically, the spent carbon from their wastewater treatment and in the retorts. Baxter was managing those wastes as hazardous, but did not include all of the required waste codes.

Additionally, Sarah reported that BT will be allowed to file a brief at the end of the hearing.

Mike noted that DEQ continues to meet with Georgia Baxter every two weeks. They are gearing up to have a consultant conduct ground water sampling in April, which DEQ will oversee, and possibly take split samples. DEQ has heard word of a prospective purchaser, however, have not yet received a Prospective Purchaser Agreement application. Mike will let the Core Team know if/when they see an agreement application.

LRAPA – What is JHB currently permitted to do?

Travis reported what is and what is not “normal” operations at JHB right now, given their “mothball” status and permits. He noted that JHB is not allowed to use the retorts at this time. He also clarified that steam from the facility is not a sign that the retorts are being used. Steam is likely coming from the dry kiln and

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evaporator, both of which are permitted to be used at this point. JHB is permitted to treat the process waste and then evaporate it. The evaporation process removes water from the waste and results in a solid waste (via the J-press) that is then disposed offsite.

LRAPA and DEQ are interested in getting stack test information from JHB through the Cleaner Air Oregon (CAO) process. JHB had indicated that they could not pay for the data reporting, so LRAPA granted an extension to allow them to come up with the funds. During this period, JHB is operating under a conditionally approved extension.

LRAPA's inspector has also been onsite and reported that there is no treated product onsite. However, there is a lot of equipment on display for prospective buyers. The inspector noted that there should not be any odors coming from JHB at this time and encouraged people to notify LRAPA if they smell something that they think is originating from the facility.

Lin noted that she worked with Travis and Susan to get information on what activities are permitted at JHB at this point; the information will be provided in the next ABC newsletter that goes out on April 13th.

OHA draft Risk Assessment Report

Todd reported that OHA is actively working on the report and is about 1/3 done at this point. Over the next few weeks, Todd hopes to be able to make good progress. The information that will be communicated in the report has already been shared with the Core Team and public. The report will need to go through review at OHA and DEQ and then will be provided to the public for comment. The public comment period is 30+ days during which public comment is solicited. After this period, the report will be finalized. OHA will email a link of the draft report to Core Team and others interested. Additionally, OHA will issue a news release. Todd noted that a similar report will be drafted to detail results of the Trainsong assessment.

Lin reminded the Core Team that she is still concerned about the health and safety inside of the houses and wants to find ways to help low-income families who need to get their houses cleaned. Mike noted that DEQ is working closely with individual residences and can address cleaning concerns/needs during one-on-one conversations with residences.

BT's Community Health Surveys

Regarding BT's health surveys, Lisa reported that canvassers had been out twice and visited areas from La Casa to Maple Street. They have not yet talked to everyone, and plan to go out again to talk to more folks. Emily P. shared that the survey was a good opportunity to meet the neighbors and hear their concerns, level of awareness, and interest from community members.

One question on the survey is whether people want to have a purple air monitor, and many have expressed interest. Travis noted that LRAPA would be happy to connect with someone in the area that would want to host a purple air monitor who has a strong wi-fi signal. He said that there is not a need (or enough resources) to install a sensor at every house. Additionally, Travis asked whether BT would be willing to hand out the JHB FAQs and offered to bring printed copies for BT to use. Lisa suggested that she and Travis follow-up on this after the meeting.

BT Environmental Justice Bus Tour

Lisa noted that BT recently conducted an EJ bus tour for the American Society for Environmental History.. The tour focused on the intersection of race, pollution, and land use. During the tour they visited Lark Park, and when they were there a toddler literally licked the grass for a few minutes. Also, during the tour, they heard from people that moved into the area 30 years ago hoping to use their home as a "starter" home; however, to this day cannot sell or afford to move.

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Jeremy added that he and other community members are focusing efforts on preventing the next JHB from coming into the neighborhood. He noted that the core issue comes down to zoning, and that even if the next business was a good actor, there should not be industrial activity in a residential area. Jeremy's efforts are focused at the City level to change law and policy (for example an overlay zone) to prevent this from happening again.

Mike shared that DEQ's Prospective Purchaser Agreement (PPA) program is popular and that through that program, DEQ can prevent the reopening of the facility as it is. DEQ has been clear with JHB that reopening the facility in the current condition is not an option. Mike explained that part of the PPA program is ensuring a public benefit. Prospective purchasers can apply for a PPA, but that doesn't mean that DEQ would automatically approve it. DEQ would consider many factors, including the proposed future use and input from the community.

Max noted that under current rules and policy, LRAPA does not have authority to control what type of facility comes next, however, they would have to undergo the CAO process. Travis added that LRAPA operates within the full strength of their authority and used the CAO authority to prioritize JHB. He noted that the CAO provides new legal weight and authority for LRAPA and, to the full extent that they have the ability to make those decisions, they make the decisions to protect the community. Lisa encouraged LRAPA to modify their policy and work with the community to make the needed changes. Max noted that he worked with the City of Eugene on the Clear Lake Overlay and the types of facilities that are allowed/disallowed under that set of zoning regulation. The Health Overlay would be similar if adopted by the City of Eugene.

City of Eugene

Jon thanked everyone for their efforts and noted that it is very helpful to see the heightened level of community concern. This level of concern is noticed by the city, and it impacts their efforts. Jon reported that when JHB closed, the City of Eugene conducted a closed-circuit video of the storm water system to make sure that there were not unpermitted discharges. They did not find any unpermitted discharge sources.

Core Team Moving Forward: Focus & Function - The group broke into two small groups - community and agency - for initial conversation on the following three questions:

1. What have you gained because of your work with the Core Team (personal and process)?
2. What has been challenging?
3. What suggestions do you have, from a process perspective, for overcoming these challenges?

After the small group discussions, the group reconvened to share responses. There was a lot of alignment around the benefits and challenges of the Core Team. The group noted that the Core Team effort has a lot of benefits (see the pros/cons lists below this summary), yet is resource intensive, both for the agencies, and for community members.

There was concern that not all community members have the resources needed to engage in this type of forum. There was common concern that those community members most directly impacted by the facility are not present on the Core Team and have not been pulled in due to concerns about pulling new people in, mid-stream, who have not been able to benefit from the collective learning that has occurred. Some expressed the need to expand the group to include more community members in the future (or in future collaborative processes). One idea was to have a special meeting with agency and community representatives, and directly impacted community members. Core Team community representatives offered to help connect with community members if/when desired. Lisa noted that there is a lot of engagement with the broader community via BT and ABC. Susan added that DEQ is communicating directly with people whose yards have been affected by the facility.

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Representatives from DEQ, City of Eugene, OHA, and LRAPA all reported that they have full support from their leadership to do this work with the Core Team, and for the collaborative effort more broadly. Travis added that the relationships formed through the Core Team are highly valued and will continue to be utilized in the future.

Next Steps & Action Items - Moving forward, the Core Team will work to prepare for broad public meetings when more information is available from soil sampling and cleanup efforts. Mike noted that there will be important information to communicate to the public around the spectrum of risk associated with sampling results. He requested the Core Team’s input on how to communicate information on risk most effectively.

The next Core Team meeting will be planned for 5-7 weeks out. DS Consulting will send a Doodle poll to schedule the meeting along with the draft summary of tonight’s session. Agenda topics identified for the next session include: project updates, input and coordination on risk communication, and discussion about the group protocols. In the meantime, important updates will be provided via email, please connect with Donna if you have an update to share with the Core Team between meetings.

With that, the meeting was adjourned.

This summary was prepared by the DS Consulting facilitation team. Comments or suggested edits should be sent to emily@dsconsult.co

JH Baxter Core Team: Community Members List

Pros	Cons
<ul style="list-style-type: none"> • Had a chance to build relationships with agency people: they know us as people as do we • Agencies getting feedback directly from community • We have seen behaviors/actions change for the better <ul style="list-style-type: none"> ○ E.g. chickens, cancer study • Good to see the silos breaking down between the agencies. They are seen as ‘the government’ and now they seem to be acting together that way • Appreciate hearing when agency hands are tied by laws, rules, regs so we can focus on change where it is needed • Agencies have taken note of community events and voices so can see where the community is trying to make a difference • The space and group has given the agencies a focal point for getting their ideas together/spend time on the projects • Been great to be engaged from the start until now...helpful to hear the initial ideas and a process for feedback to be actually integrated • Gives community members a chance to see the way government processes work (and how frustratingly slow they are!) 	<ul style="list-style-type: none"> • None noted

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<ul style="list-style-type: none"> • CT members can engage even more community members as ambassadors to get the word out BECAUSE of their involvement on the Core Team • About overall process, <u>not</u> Core team - Frustrating how long it has taken to get actual results from CAO (and recognize that JHB has managed to get extensions) 	
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JH Baxter Core Team: Agency List

Pros	Cons
<ul style="list-style-type: none"> • Has allowed us to build relationships with those who have the time and capacity to engage. Both with community members and within/between agencies. • Has allowed us to establish trust with community members (and, in some cases even heal prior relationships). • Core Team is a good testing ground for new information and for trying out different messages with community members. • Is a good place for staff to give presentations and get community feedback (including the need for urgency on issues staff might not have realized), before going more broadly with those presentations. • Good outlet to get information to the community, even if it is a little messy! • Meetings provide clear deadlines for staff to work towards, so momentum has been continuing with regular, planned meeting cadence. • Staff are learning, real time, how to effectively (and reflectively) engage in collaborative problem solving with community members 	<ul style="list-style-type: none"> • The narrow focus of JUST JH Baxter <ul style="list-style-type: none"> ○ Staff see benefits for cross-agency work that could expand beyond the bounds of JHB • Takes time and resources to be ready for meetings, especially to be certain that information and messages are the 'right ones' for sharing (since it is very likely they will be shared more broadly). Sometimes preparing for the meeting takes priority over other important work that needs to be done. • Inconsistent adherence to operating principles of the Core Team • If others are added (staff/community) need a good job of on-boarding so everyone is consistent with principles. • We have not yet figured out how to pull community members immediately impacted by JHB into the Core Team.