

# Coordination & Engagement on Issues Related to the JH Baxter Facility

## COMMUNITY ENGAGEMENT CORE TEAM

### Meeting 16

Thursday, September 8, 2022

### Meeting Summary

Participants for all or part of the meeting: Ali & Jeremy Aasum (Community Member/BT), Arjorie Arberry-Baribeault (BT), Lisa Arkin (BT), Robin Bloomgarden (Community Member), Mary Camarata (DEQ), Killian Condon (DEQ), Diane DeAutremont (Community Member), Harry Esteve (DEQ), David Farrer (OHA), Pradnya Garud (OHA), Todd Hudson (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Emily Pyle (ABC), Diana Rohlman (OSU), Susan Turnblom (DEQ), Jon Wilson (CoE), and Sarah Wheeler (DEQ).  
Facilitator: Donna Silverberg, DS Consulting.

**Welcome and Introductions** - Facilitator, Donna Silverberg, welcomed the group to the 16th Core Team meeting. The purpose of the session was to provide updates and answer questions regarding partner efforts around the JH Baxter facility. 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 Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU).

**Follow-Up From Last Session** – Donna shared that the facilitation team continues to engage Core Team partners between meetings, with a smaller group of agency groups and community meeting as needed to provide guidance on meeting content, timing, and to ensure communication of important information. That smaller group helped make the decision to postpone last month’s meeting until DEQ had more information to share.

**Core Team members did not have any edits on the June meeting summary and, as such, approved it for posting to the DEQ website.**

**Status report on DEQ’s Clean-Up Efforts** – Susan provided an update on clean-up efforts.

- The preliminary U.S. EPA soil sampling results are in and DEQ is working to communicate results to residents. Once residents have their data, more details will be available to the Core Team.
- Susan summarized:
  - In May U.S. EPA sampled 22 properties; 5 had dioxin concentrations below 4.7ppt, 16 were between 4.7-40ppt, and 1 had dioxin concentrations above the 40ppt/clean-up level.
  - JHB and DEQ consultants sampled 10 properties: 1 had dioxin concentrations below 4.7ppt, 5 were between 4.7-40ppt, and 4 had dioxin concentrations above 40ppt, these properties need clean-up sooner than later; and,
  - So far, all residences that had dioxin levels above 40ppt are within a block or so of JH Baxter.

The cross-agency team developed a “dioxin thermometer” visual (see below); Travis explained that the thermometer provides context and will be a tool to use for communicating the meaning of the soil testing results to the broader public. Pradnya explained the thermometer, noting that it signals the level of significance of different dioxin concentrations and the associated health-effect risks for both residential and park use. For the health-based risks, OHA and DEQ assume that people have ingested soil.

### Questions and comments from the Core Team

- *Question:* Lisa asked for information on the corresponding risk of cancer. As the dioxin levels increase, how do cancer risks increase?

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- *Response:* David explained that cancer risk is linear: a 10-times higher concentration of dioxin equals a 10-time higher cancer risk. So, at 4.7 ppt there is a 1 in 1 million chance of cancer, at 47ppt there would be a 10 in 1 million chance of cancer, and at 447 ppt there would be a 100 in 1 million cancer risk.
- ***Suggestion:*** Lisa suggested adding the associated cancer risk to the thresholds noted on the graphic.
- *Comment:* David explained that the non-cancer health effects associated with the dioxin significance levels are specific to children, as children tend to ingest more soil. An adult would have to ingest higher concentrations of dioxins to have the same potential health effects. Cancer risk, however, is the same for adults and children.
- *Question:* Where do the Trainsong dioxin levels sit on this scale?
  - *Response:* The original samples taken by JH Baxter's consultants were around 70ppt; DEQ can provide the Core Team sampling data from their testing.
    - **ACTION:** Susan will provide the Core Team soil sampling results from Trainsong.

Susan shared that DEQ had wanted and planned to conduct clean-up of the properties with concentrations 40ppt or higher before the end of the year. However, additional sampling showed heightened levels of dioxin in soils deeper than 6 inches. DEQ does not have samples beyond 12 inches, so they considered removing and replacing 3 feet of soil. Due to complications (such as, potentially undermining home foundations, disturbing trees, affecting utilities, requiring relocation of residents, and limited amounts of clean replacement soil) DEQ has decided to continue testing to determine the actual extent of contamination. This will delay clean-up into 2023. In the meantime, DEQ is working with the residents to make sure they are aware of and understand the need for delay and things they can do between now and later. In addition, DEQ is developing a press release and factsheet. Susan also noted that there are no children living at any of these homes.

Moving forward, DEQ's contractor will take more samples (down to 3 feet), find additional clean replacement soil, and DEQ has formally requested that U.S. EPA sample another 30 residences to the north and east of JH Baxter (this sampling is expected to occur fall 2022). The goal is to find the edges of dioxin contamination above 4.7ppt.

### Questions and comments from the Core Team

- *Question:* Robin wondered if DEQ will incorporate the results from soil testing that she contracted on her land into this process.
  - *Response:* Susan responded, yes, that results from Robin's soil test are an additional data point that show significant dioxin concentrations from JH Baxter do not extend beyond Elmira Road.
- *Question:* Robin asked whether areas south of JH Baxter also have high levels of dioxin?
  - *Response:* Susan noted that DEQ's priority is north of JH Baxter because prevailing winds blow north and the residential area is to the north. Sampling has also occurred to the west and east of JH Baxter.
  - *Follow-up:* There is not a neighborhood south of JH Baxter, however, many people do live and work there, will DEQ/OHA consider these impacts?
    - *Response:* In 2019, DEQ sampled soils in a ditch south of JH Baxter and the results were not significant enough to cause alarm. Dioxin contamination is most concerning in soils, so DEQ's investigation focuses on areas with soil and in residential areas. The record of decision did address workplace impacts and DEQ can provide more information. South of Baxter there is also a lot of pavement and very little soil available to sample.
      - **ACTION:** DEQ will provide more information on initial testing south of JH Baxter at a future Core Team meeting.

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## What should be shared with the boarder community and when?

Arjorie and other community members suggested that this information is important to share with the broader community sooner than later, and before soil removal takes place. Community members have a lot of curiosity about what is going on. Communication could be via a public meeting, as well as written material. Jeremy felt that a public meeting will help to get accurate information out to the community and prevent people having to make assumptions about what is happening (or not!).

Regarding what to communicate to the community, Lisa suggested that agencies make clear the significance of the JH Baxter contamination and clean-up efforts so that community members have a sense of the level of concern. Robin suggested that Beyond Toxics could provide editorials to local newspapers, as there is a lot of interest in what's going on at JH Baxter. Community members suggested that the public meeting(s) are either in person OR on Zoom, but not hybrid; the hybrid approach is problematic and difficult to track if joining online.

- **ACTION: The agency team will aim to have a factsheet and news release available in mid to late-September, and will hold a public meeting in mid-October.**

## Updates from Team Members -

- **Beyond Toxics** – Arjorie reported on Beyond Toxics end of summer party, noting that the turnout was great, and everyone had a good time. School supplies, ice cream and fun were provided for all!
- **ABC** – Jeremy noted that the neighborhood park parties were also a success, with good turnout from the community (Lin can provide more details).
- **OHA** – Todd reported that the initial draft of the health consultation report is complete and undergoing internal review at OHA. The health consultation report discusses OHA's health assessment and conclusions, who might be affected, environmental justice and community health concerns, and recommendations that the group and community heard at the public meetings earlier this year. After OHA's internal review, the OHA publications team will formalize the document and provide it to the broader public for 'public comment' period. OHA will review comments and make changes needed to be sure that the consultation report is clear and comprehensive.
  1. *Question:* Robin asked how OHA plans to disseminate the draft to the public to ensure that people are aware of the consultation and health effects?
    - *Response:* Todd said that OHA would use their website, a press release, and community partnerships to get the document out to the public. The Core Team connections will be helpful for getting the word out to constituents. In the past OHA also has attended open houses and provided hardcopies at libraries.
    - *Suggestion:* Robin suggested that OHA send the consultation report to neighborhood associations who can provide it to their neighborhoods. Travis offered to provide lists to the neighborhood associations. Jeremy suggested communicating via ABC's network.
- **LRAPA** – Max reported that LRAPA has not received any odor complaints since the Core Team meeting in June. The natural gas boiler and evaporator are the only two onsite-machines currently operating. LRAPA is working to support the DEQ Cleanup and Hazardous Waste programs and is managing the air permits to support a Prospective Purchaser Agreement (PPA). Mike clarified that DEQ has not received a PPA application yet. If they do, there will be a public process to ensure that there is a "public benefit" to any future agreement.
  1. *Question:* Robin asked, is there any way for the agencies to strengthen permit requirements in the interim while JHB is working to sell their property?

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- *Response:* Travis explained that any new operator on the JHB site will need to apply for an air permit, which is easier to do when there is an existing permit. So, keeping JHB permits active makes a PPA more viable. A PPA would bring in funding for clean-up, so the agencies are working to support that effort. Regardless of who owns the property, LRAPA and DEQ rules and regulations must be met. Regulations can get tighter and the Clean Air Oregon program is an example of this. Any “tightening” of rules and regulations happens via legislation and increased information. Mike noted that the site will have added scrutiny because of its current conditions.
- *Comment:* Arjorie and Jeremy noted that the public health overlay zone effort with the City of Eugene, if implemented, would add restrictions for new industry in the City of Eugene.
- *Comment:* Lisa encouraged everyone to think about the possibilities for the JHB site, including opportunities to use the site to better support the community’s needs – for example: a solar farm, emergency preparedness resources, or a non-toxic manufacturer. She added that JHB overburdened the neighborhood with toxics for decades and this is an opportunity to think outside of the box for a higher use, rather than another polluter.
- **City of Eugene** – Jon reported that City staff visits the JHB area regularly to keep an eye on things and also reported that there have been no discharges from the facility.
- **DEQ Enforcement** – Sarah reported on settlement of the enforcement action. There were two components of the settlement:
  1. A \$305,440 civil penalty, which JHB has not yet paid. DEQ is working with Department of Justice to determine JHB’s ability to pay. This is ongoing and Sarah will keep the Core Team updated; and
  2. The compliance order, which requires JHB to complete a hazardous waste determination (completed) and confirm that the storm water treatment system alarm works (completed). The next requirement is for an engineer to look at the system in October to ensure adequate capacity. Sarah will keep the Core Team updated.
- **DEQ Hazardous Waste** – Killian reported that he visited JHB today and got a better idea of what materials were onsite. Currently, there is viable product onsite that is still technically usable. However, due to federal regulations, JHB may not be able to use or sell this material and instead might have to dispose of it as hazardous waste (JHB could appeal this decision). There is also known hazardous waste in the lab, in two of the retorts, in drums, and the tanks onsite. The measurements that DEQ has are estimates and final volumes are likely to change, yet the approach to managing the hazardous materials will not likely change. He also noted that DEQ is in formal conversations with U.S. EPA to support proper removal of the hazardous waste.
- **DEQ Trainsong Park**– Mike reported that DEQ has a U.S. EPA approved dioxin soil-sampling plan to sample 10 residential yards and some additional areas in the park. DEQ is working to get access agreements from residents and plans to be sampling at the end of this month. Results should be available within 6-8 weeks of the sampling.
- **Other** - Susan shared that she was invited to present at the upcoming NW Environmental Business Council conference. The session she is participating in, is focused on environmental justice. She is looking to present on this process and wanted to check to see if there were any concerns with her doing so; Core Team members did not express concerns, instead they were supportive of her getting

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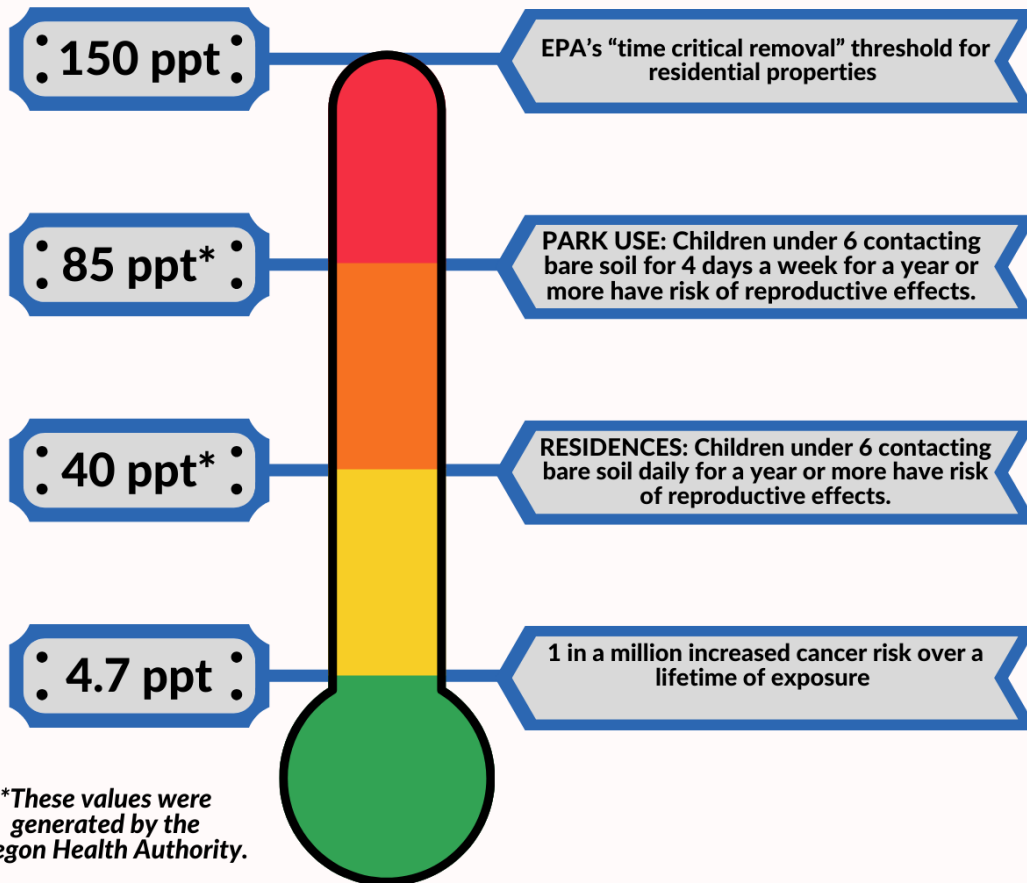
the word out to a broader audience. Susan encouraged folks to reach out if they have input for her presentation.

**Next Steps & Action Items** – The agency team will plan for public communication regarding the soil sampling results, aiming to have a factsheet and news release available in mid to late-September, and a public meeting in mid-October. The Core Team will likely meet again prior to the public meeting. In the meantime, DS Consulting will help ensure that updates are provided via email; including Trainsong soil sampling results and information on DEQ’s area of focus for testing around JH Baxter (including to the South). All Core Team members are encouraged to connect with Donna if they have an update to share with the Core Team between meetings.

With that, Donna adjourned the meeting.

*This summary was prepared by the DS Consulting facilitation team. Comments or suggested edits should be sent to [emily@dsconsult.co](mailto:emily@dsconsult.co)*

## Levels of Significance for Dioxins in Soil



**This level of significance thermometer represents the level of dioxin in soil measured in parts per trillion (ppt). All significance levels assume swallowing contaminated soil.**