

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

## COMMUNITY ENGAGEMENT CORE TEAM

March 3, 2021

### Facilitator's Summary

[Edits from: DEQ, LRAPA]

ACTION	WHO	BY WHEN
Meet to discuss how to best engage the community in the JH Baxter CAO process.	Lisa Arkin & Travis Knudsen	Ongoing
Consider attending the Beyond Toxics monthly community meetings.	All	6pm on 2 <sup>nd</sup> Wednesday of month
Consider invitation to attend Active Bethel Citizens annual general meeting.	All	7pm, April 21

**Participants:** Arjorie Arberry (Beyond Toxics (BT)); Lisa Arkin (BT); Ali and Jeremy AAsum (Bethel Community); Dylan Darling (DEQ); Diane DeAutremont (Bethel property owner); Holly Dixon (OHA); Ed Farren (ABC); Ann Farris (DEQ); Max Hueftle (LRAPA); Travis Knudsen (LRAPA); Mike Kucinski (DEQ); Thomas Price (Bethel Community/NWFF Environmental); Emily Pyle (ABC); Diana Rohlman (OSU); Julie Sifuentes (OHA); Susan Turnblom (DEQ); Jon Wilson (City of Eugene); Lin Woodrich (ABC); and Jonathan Wright (LRAPA).

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

**Welcome and Introductions** - DS Consulting Facilitator, Donna Silverberg, welcomed the group and stated that the purpose of this session is to continue to build understanding and relationships between impacted community members who are willing to work with agencies to improve the air, soil and water conditions at and near the JH Baxter facility in West Eugene. In particular, to focus on what the group knows, information still needed, and next steps. Donna noted that the Core Team has been working through the process of sharing information and identifying what information would be helpful for a broader community meeting in the spring.

Group members introduced themselves and their affiliation. Participants included West Eugene community members, and representatives from the Active Bethel Citizens (ABC), Beyond Toxics (BT), City of Eugene, Department of Environmental Quality (DEQ), Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU).

Donna noted that the summaries of these meetings are public documents that will be posted on the DEQ JH Baxter website. She asked whether there were any additional edits that needed to be made to the December or January summaries before they were posted. No additional edits were requested, and the summaries will be posted as final.

**What do we know: Cleaner Air Oregon Presentation & Discussion** - Max Hueftle and Travis Knudson, LRAPA, presented information on the Cleaner Air Oregon (CAO) program, which LRAPA implements for Lane County (note: Lane County is the only county in Oregon that has a regional air protection authority separate from DEQ). (See PowerPoint presentation below.)

Travis noted that LRAPA is charged with administering operational air permits which are legally binding agreements that regulate the amount of air emissions that a facility is permitted to release. In addition to the operational air permits, since 2016 LRAPA also charged with implementing the CAO program in Lane County, partnering with OHA and DEQ. This relatively new program, mandated by the State of

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Oregon, includes a detailed process for assessing not only air emissions, but also the potential human health risk of those emissions.

Travis provided an overview of the CAO process steps:

1. A facility is “called in” to the CAO program.
2. The facility is required to report air toxics, this includes an emissions inventory of 600 pollutants, and may include actual testing of the emissions from point sources at the facility.
3. The emission inventory feeds into modeling that shows how the pollutants move or disperse into the environment.
4. Then the human health risk is assessed by calculating the risk to the human community and includes localized details on how the community uses the area around the facility. There are 4 levels of risk assessments ranging from simple (and more conservative assessment of risk) to very detailed assessment (and more specific assessment of risk). The risk assessment assumes that there is no safe level of carcinogens and considers how many people may get cancer as result of exposure (using the metric of 1 case in 1 million people). Non-cancer health issues, such as developmental, fertility, and respiratory issues also are included in the assessment (see additional information provided from OHA below).
  - a. The outcome of this process is a “risk action level” which then determines what regulatory actions LRAPA or DEQ will/can take. Based off the risk assessment, LRAPA (or DEQ for areas outside of Lane County) regulate to reduce the human health risk as necessary. (See slide 20 for information on what regulation correlates with the various risk action levels.)<sup>1</sup>
  - b. Following those steps, the facility then continues with the permit application process, which includes public notice.
5. Once permits are issued, LRAPA (or DEQ), works to ensure compliance through inspections (which, not always, but often are a result of community-reported environmental conditions). LRAPA conducts inspections of facilities. While they cannot get to every facility annually, the community input process helps them prioritize inspections.

Travis noted that community engagement is an important part of the entire CAO process.

The CAO process is required for all new facilities and new permits; existing facilities can also be “called in to the program”, which was the case for JH Baxter. JH Baxter was ‘called in’ to the CAO program in December 2019. Their emissions inventory was due 90 days later; they asked for extension and then COVID hit, causing further delay. There have been ongoing discussions about how to inventory the facility and currently they are conducting liquid testing. Next will be air emissions tests.

JH Baxter’s emissions inventory is scheduled to be complete by the end of the year. Max and JR Giska, DEQ, explained that the emission inventory is a complicated and vital part of the CAO process. Much of the process is spent ensuring that the assessment will be accurate, thorough, and scientifically rigorous, which takes time. JR noted that, of the 14 facilities DEQ has called in to the program in since March 2019, only 2 are nearly done with the risk assessment. In part, this is because of the complexity of the facilities that were prioritized for the program. While the process takes time, the agencies are committed to getting the best data possible so that at the end of the risk assessment they will know what is needed for the facility to meet health levels and, if not, what action needs to be taken to get there.

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<sup>1</sup> As part of the cross-agency assessment of JH Baxter, the CAO process will work in conjunction with the DEQ Cleanup program to evaluate cumulative risk from soil and air emissions. This will be an additive pathways and chemical assessment.

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After completing the CAO process, a facility can be called back in if they expand, add more chemicals to their processes, or if they modify their permit (there are some other ways to be called back in, for example, if they change operations in a way that impact the modeling parameters).

If at any time during the assessment the agencies find levels of chemicals much higher than anticipated, they may do an in-house analysis and could issue an immediate curtailment. There are no chemicals that flag a faster process, however, the toxicology values used in the risk assessment are so small for some chemicals that, if LRAPA/DEQ find that those levels are higher than anticipated, the agencies have authority to act at any point in the process.

Community Questions/observations:

- What options there are if, through the CAO process, LRAPA or DEQ finds that the levels of risk are not high enough to warrant action, yet there are still nuisance odors in the neighborhood? It was noted that JH Baxter has changed their practices based on community complaints.
  - There seems to be a cycle of violations and fines, but the community does not gain any benefit from these. Is there a way for the community, which is most impacted by these issues, to see something come back to improve their community? Mike Kucinski, DEQ, noted that *Supplemental Environmental Projects* are a way for DEQ to direct some of the fines back to community projects (<https://www.oregon.gov/deq/regulations/pages/sep.aspx> and <http://www.lrapa.org/183/Supplemental-Environmental-Projects-SEPs>). If there is interest, someone more familiar with the program can come to a Core Team meeting. It was also suggested that community members can present to the LRAPA Board and suggest how to use fines within the community. Additionally, it was suggested that Mary Camarata, from Oregon Regional Solutions, could come and share information about securing funds for various environmental justice projects.
  - Are there opportunities for the Core Team to get more involved with LRAPA as part of the CAO process for JH Baxter? Travis said that LRAPA is very interested in collaborating with the community and committed to working with Lisa Arkin, Beyond Toxics, to consider how best to engage the community in this effort.
- **ACTION: Travis and Lisa will meet to discuss how to best engage the community in the JH Baxter CAO process.**

The Core Team broke into small groups to learn more about how the CAO process works. They looked at a fictional facility and walked through the CAO steps. When the large group reconvened, Max shared an aerial diagram of the JH Baxter facility and surrounding area (JHB Draft Exposure Receptors: <https://www.lrapa.org/ImageRepository/Document?documentId=5437>). He pointed to the current “exposure receptors” in the surrounding area and noted that LRAPA always welcomes community input on additional on receptor points. One member noted that odors from JH Baxter make it all the way to Peterson Park.

**Community Updates & Information Sharing: What else does the Community Need to know?** – One member asked: what is the purpose of this group? Donna reminded the group that the purpose of the Core Team is, through information exchange and dialogue between agencies and committed community members, to help prepare for an engaged and productive session with the broader community. By taking a deep dive into the processes, roles, and data, the Core Team is helping to clarify what will be helpful for the broader community to know and understand. Ann added that, from DEQ’s perspective, they hope that these discussions, combined with the data they are gathering through CAO and the Cleanup process, will enable DEQ to have an accurate assessment of any risks to the neighborhood. Once they know this, they can let the community know and require changes from the regulatory end, where they are able. Where they are NOT able, they can inform the community so they can make their own choices. The group appreciated this clarity and noted:

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- Presentation of scientific data should be simplified and illustrated. There is a lot of science that needs to be explained for people to understand the complexities of it and how the different points come together in assessing the risk. Focus on the root information and use normal words and pictures or risk story boards.
- CAO 101 would be useful. A more condensed version of what the group saw tonight.
- For the Core Team, information about DEQ program and process interventions would be helpful to understand the way the agency operates.

Lin Woodrich, ABC, noted that ABC has decided to have the JH Baxter Cleanup process be the highlight of their annual meeting on April 21 from 7:00-8:30 pm via Zoom. The intention would be to share information, engage the community, and ask questions. Lin invited the Core Team to attend and noted that ABC will send a mailing to 1,200 homes to invite the community members.

Arjorie Arberry, BT, extended an invitation to agencies to come to the BT community meetings that take place every 2<sup>nd</sup> Wednesday of the month from 6:00-7:00 pm. These meetings would be a good way to connect and engage with community members. Arjorie will send the meeting link to the Core Team.

Additionally, it was noted that BT made a flyer to share with the community that details how to report odors and environmental conditions to LRAPA and DEQ.

**Agency Updates & Information Sharing: What else do the agencies need to share?** - Dylan Darling, DEQ, noted that there are many ways that the State and LRAPA regulate, and the Core Team conversations have focused on air and soil. DEQ also regulates hazardous waste and water quality. Dylan shared that a news release will go out tomorrow about a fine that DEQ issued to JH Baxter through the Haz Waste and Water Quality programs today. DEQ wanted to update the Core Team tonight to avoid any surprises. He noted that the fine is due to JH Baxter processing untreated hazardous waste in their retorts, which are not permitted for that use. The water quality fines stem from untreated waste that overflowed the storm water ponds into a ditch that leads to Amazon Creek. JH Baxter has 20 calendar days to file an appeal, and if appealed it will go in front of a judge. The DEQ enforcement action also orders sampling, investigation, and development of plans to improve processes to prevent this in the future. He clarified that these fines and enforcement action are not related to the soil samples.

Core Team members wondered: is there a risk of human exposure due the hazardous waste processing? Dylan was not sure. However, he noted that a DEQ environmental law/other experts could attend the next Core Team meeting to speak in more detail. Ann Farris, DEQ, noted that the hazardous waste and water quality violations are from 2019 and 2020, and those actions have stopped. Still, the risk needs to be evaluated and will be a part of the CAO and Cleanup assessments. The purpose of this collaboration is so that the agencies can understand the issues and assess the risk. In addition to the Core Team, there are two technical teams (one cross-agency team and one including JH Baxter and their consultants); these teams have been set up to help ensure that the assessment is cumulative and complete.

Dylan provided the website for the news release

<https://www.oregon.gov/newsroom/pages/Agency.aspx?agency=DEQ&category=> . He also offered that people could contact him with any questions via email ([dylan.darling@deq.state.or.us](mailto:dylan.darling@deq.state.or.us)).

**Next Steps** - DS Consulting will finalize the date for the next Core Team meeting. Possible agenda topics for the meeting include: information on the DEQ programs, discussion about what and how to communicate complex science to the community, and more information on the enforcement actions.

In closing, Lisa encouraged that press releases include the community voice, not just regulatory details. Donna thanked the group for their valuable participating and the meeting was adjourned.

**The next Core Team meeting will be on April 7<sup>th</sup> from 6:00-8:00pm.**



## Operational Air Permits in Lane County & Cleaner Air Oregon



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### Operational Air Permits

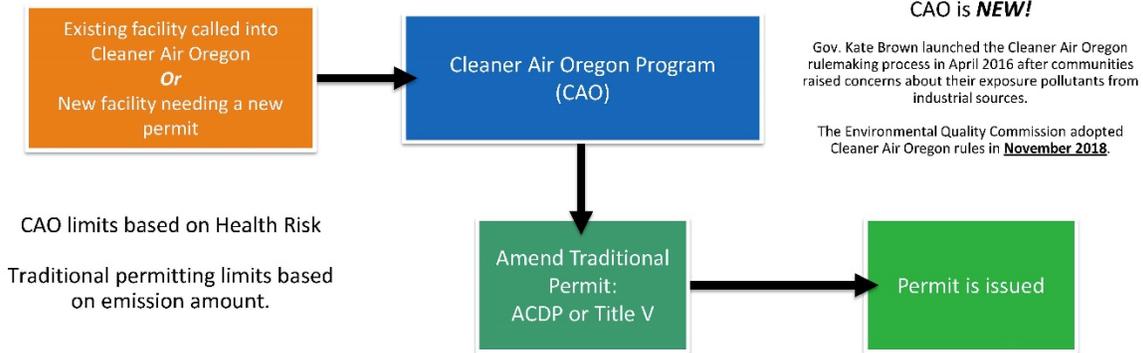
- What is an air permit?
  - Legally binding document issued for facilities who emit pollutants above certain levels.
  - Can place limits on activity or mandate processes/operations.
- LRAPA issues air permits in Lane County.
  - LRAPA is the only regional air authority in Oregon, DEQ is the authority for the rest Oregon.
  - LRAPA is local, providing more opportunity for local voices to be heard and guide decisions made in the air regulating process.



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## Cleaner Air Oregon (CAO) Vs. Traditional Permitting

CAO exists in addition to traditional permitting.



## The Cleaner Air Oregon Program



### Report air toxics

Companies to report use of over 600 pollutants to LRAPA/DEQ.



### Assess risk

Facilities calculate **potential** health risks to people who live, work, and go to school nearby.



### Regulate to reduce risk

The higher the **potential** health risk the more actions the facility must take.

- Topic to come: "Risk Action Levels" (RALs)

## Facility is “called in” or is new (Step 1)



### Who will go through Cleaner Air Oregon?

New facilities requesting a new permit will enter CAO immediately.

Existing facilities are “called in” to the CAO program based on prioritization groupings.

LRAPA facilities in currently working through CAO:

- Hexion, Inc.
- J.H. Baxter & Co.
- Seneca Sustainable Energy, LLC
- The Willamette Valley Company



LRAPA  
Lane Regional Air Protection Agency

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## CAO’s Emissions Inventory (Step 2)



### What are ALL the pollutants coming from the facility?

This is often the longest, but most vital, part of CAO. This informs the remainder of the CAO process.

A Toxic Air Contaminant emissions inventory is a list of information about each contaminate a facility emits.

This often includes source/stack testing.

- Stack testing is taking a sample and measurement at exhaust points of a facility. Such as the top of stack towers.



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## CAO's Modeling Protocol (Step 3)



### How will pollutants move across a region?

Once the Emissions Inventory is complete, a computer model uses dispersion algorithms to determine the movement of pollutants.

- Meteorological data
- Terrain information
- Exposure points
- Pollutant concentration
- Other factors that effect where pollutants will go when they enter the atmosphere



The higher the risk assessment the more complicated and more precise the dispersion model required.



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## How do we asses risk? (Step 4)



### Assess risk

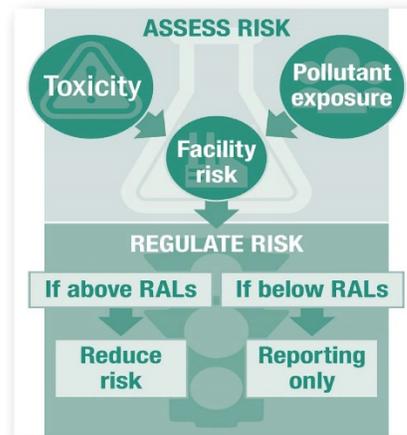
Facilities calculate **potential** health risks to people who live, work, and go to school nearby.

Examine the toxicity of pollutants created by processes in their work.

Examine how are people exposed to those pollutants.

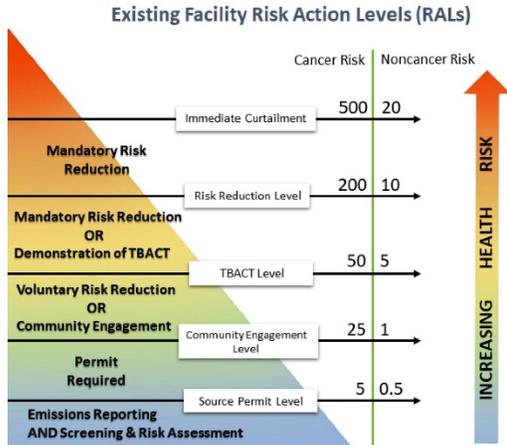
This assessment determines the risk.

Compare this risk to the RISK ACTION LEVEL (RALs).

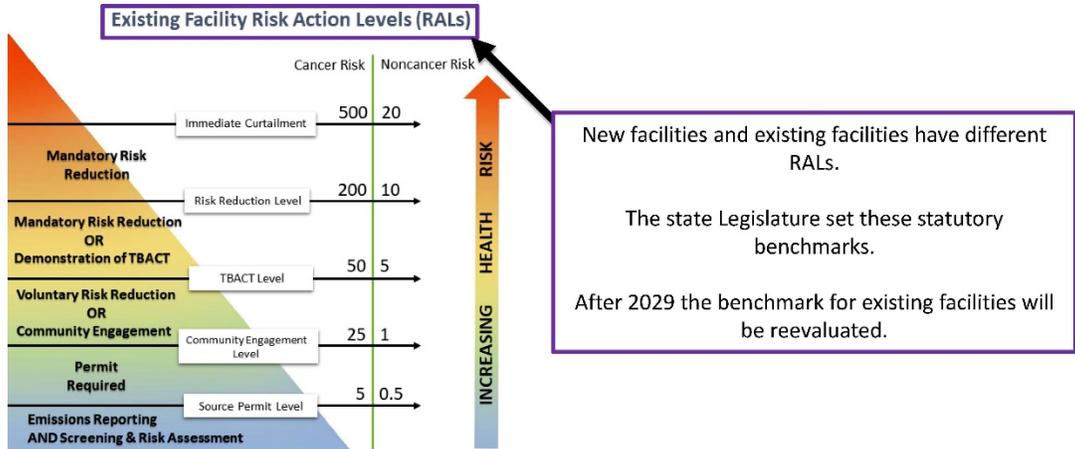


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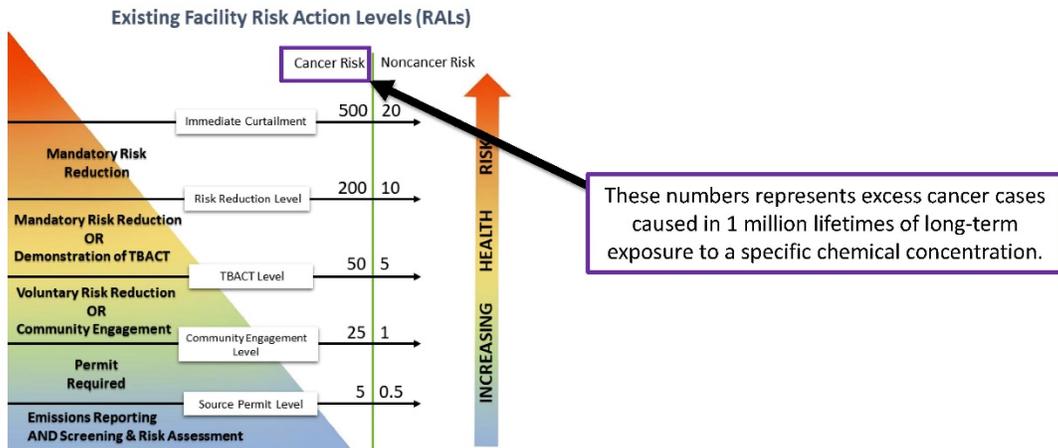
# Risk Action Levels (RALs)



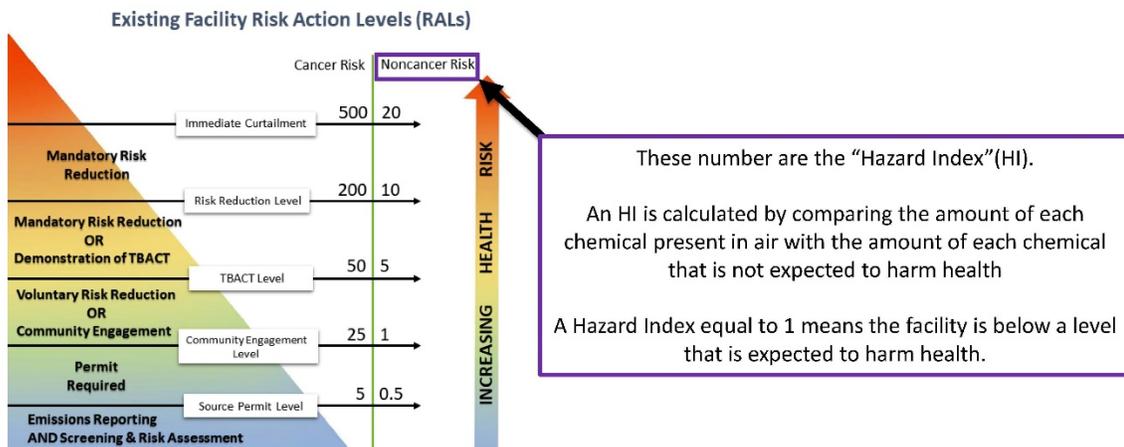
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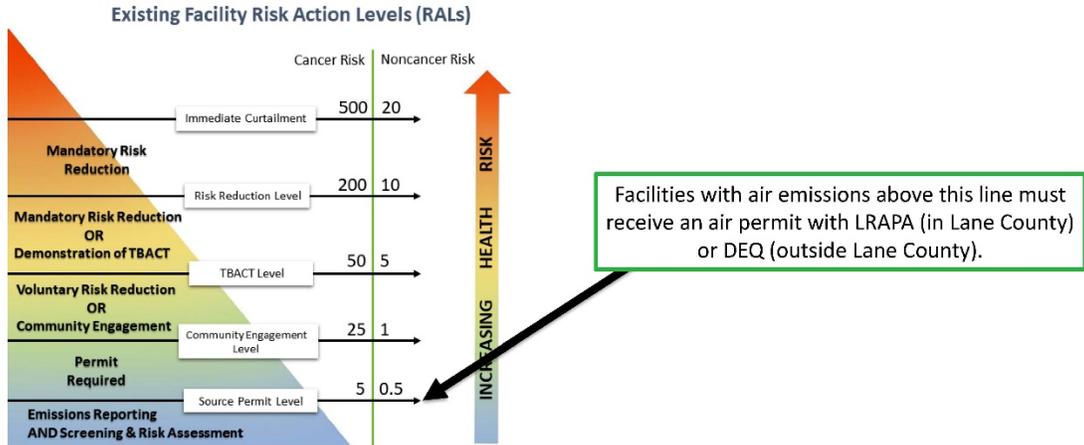
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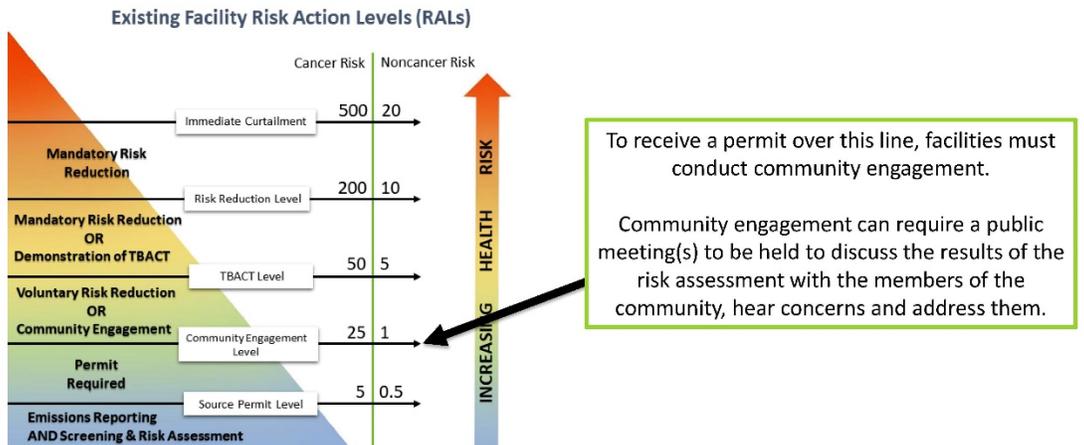
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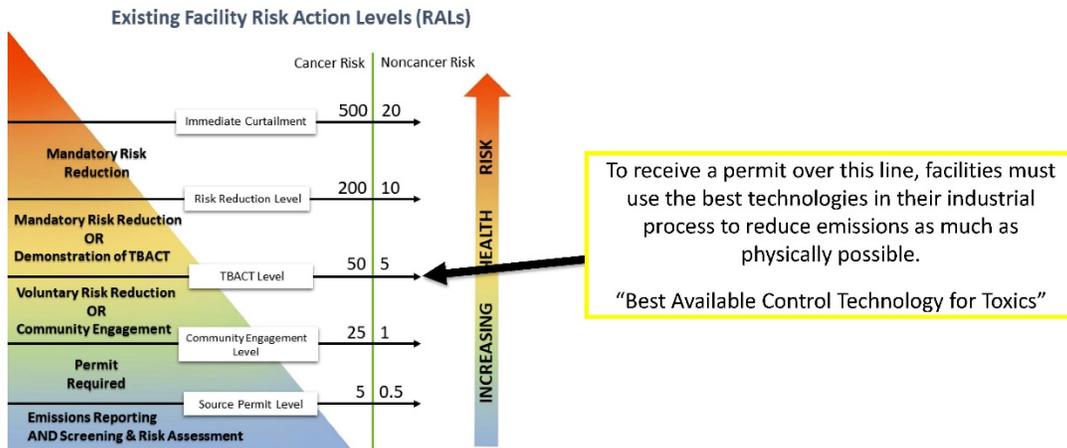
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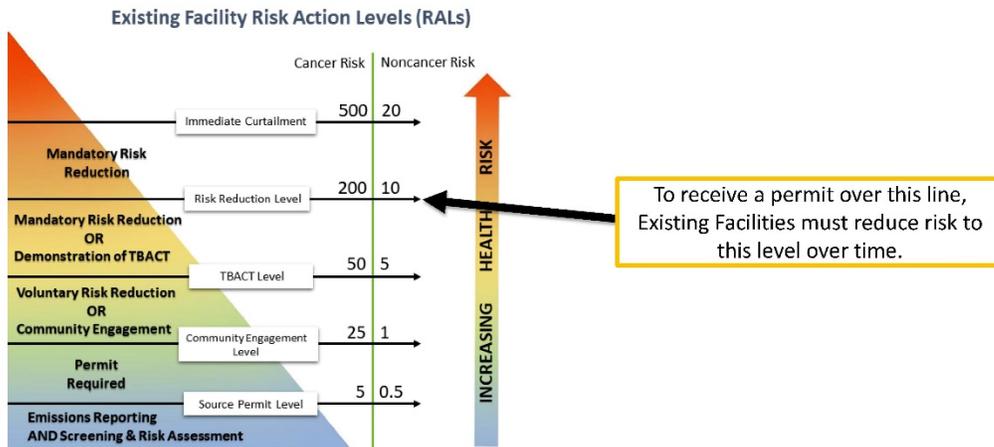
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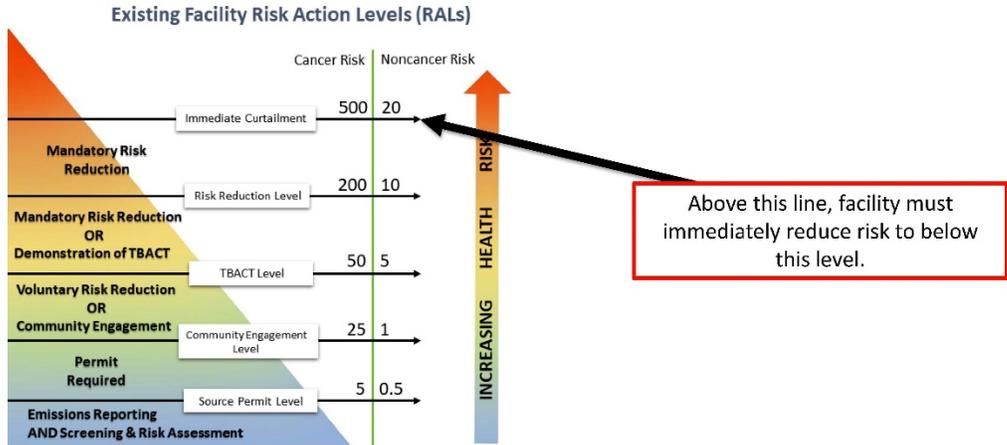
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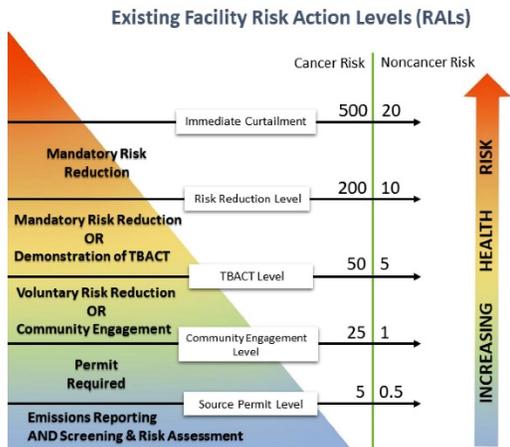
## Risk Action Levels (RALs)



# Risk Action Levels (RALs)



# Risk Action Levels (RALs)



## CAO's Community Engagement (Step 1-4)



### How is the community involved?

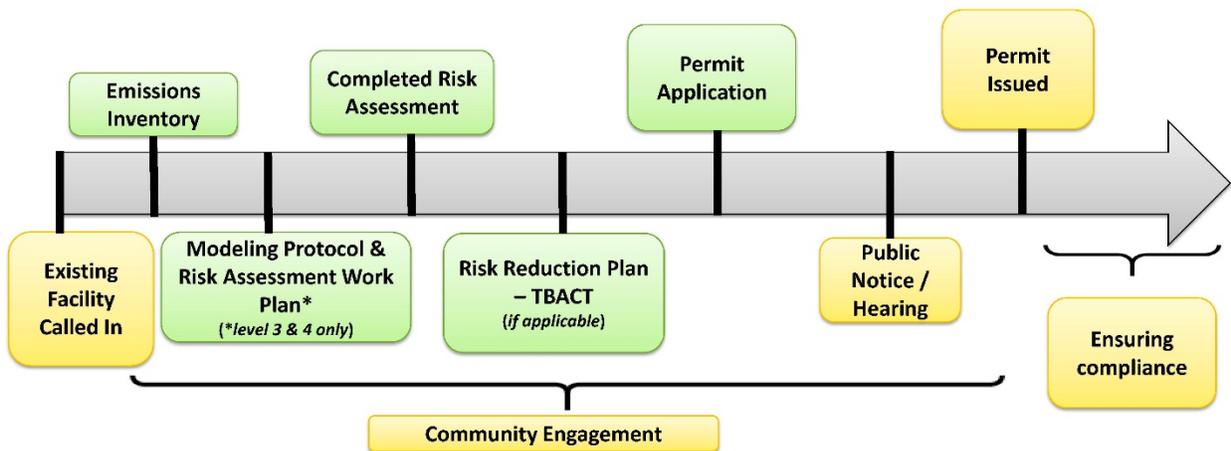
Community engagement is at the heart of Cleaner Air Oregon. LRAPA/DEQ seek to engage the public by sharing clear and accurate information, consultation, and involvement with decision-making.

#### Key Principals:

- Acknowledge there are institutional, systemic, and structural barriers that perpetuate inequity and have discouraged and silenced the voices of communities over time.
- Value diversity and social equity by ensuring the fair treatment and meaningful engagement of all people and promoting inclusive environments free of bias, stereotypes, and any other forms of discrimination.
- Commit to partnerships with communities disproportionately affected by health issues so they can actively participate in Cleaner Air Oregon community engagement opportunities.
- Make it easy for communities to engage through structured, deliberate processes, such as intentionally coordinating activities, carefully identifying communities, employing appropriate communication and education methods, and conducting outreach beyond traditional forms.



## Cleaner Air Oregon Process



## Ensure Compliance (Step 5)



**LRAPA conducts inspections of permitted facilities to assure compliance with permit.**

Community notification through complaints is encouraged and appreciated.

Complaints directs the day-to-day focus of our compliance officers.

Investigation, inspections, and fence line monitoring have all occurred due to a complaint(s) LRAPA has received.

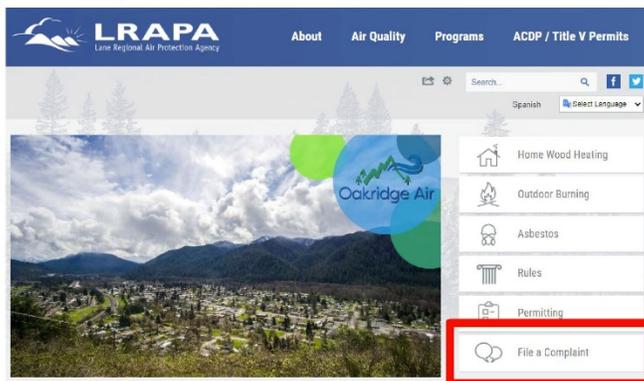


## Ensure Compliance (Step 6)



<https://www.lrapa.org/>

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Thank you!

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