Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

Meeting 8

Tuesday September 7, 2021

Facilitator's Summary

ACTION	WHO	BY WHEN
Schedule next Core Team meeting for end of October.	DSC	ASAP
Coordinate with Arjorie, Robin, Lin and other Core Team members willing to visit the 21 residences and provide information on soil sampling to the community.	Susan & Dylan	ASAP
Share updates on the soil sampling timeline with the Core Team between sessions.	DEQ	If changes occur
Email Mike Kucinski with input on how EPA EJ program can best support the Core Team's efforts.	Core Team members	October session
Bring JHB storyboard to Core Team for input.	Agency team	October session
Keep the Core team updated as the settlement process continues.	Sarah	Ongoing

Participants for all or part of the meeting: Arjorie Arberry-Baribeault (BT), Lisa Arkin (BT), Robin Bloomgarden (Community Member/ABC), Victoria Clemons (OHA), Dylan Darling (DEQ), Diane DeAutremont (Community Member), Ed Farren (Community Member/ABC), David Farrer (OHA), Marc Furney (CoE), Don Hanson (DEQ), Max Hueftle (LRAPA), Ryan Josef-Maier (Community Member/BT), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Kelby Land (LCPH), Diana Rohlman (OSU), Carol Trenga (OHA), Susan Turnblom (DEQ), and Sarah Wheeler (DEQ).
Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting.

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 8th Core Team meeting. Group members introduced themselves and their affiliation. 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, Lane Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU).

Emily told the group that she received minor edits on the July 27th meeting summary. No additional edits were suggested. Emily will send the final summary to DEQ for posting on the JH Baxter webpage.

Donna 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, the session's focus was to enhance community understanding about soil sampling and air monitoring at and near the JH Baxter facility in West Eugene, and for all to have an opportunity for discussion and updates.

The Core Team reviewed and approved the updated Core Team Engagement protocols, which are intended to reflect the way the group plans to work together.

Follow-Up From Last Session – Donna reported that that Oregon State Cancer Registry (OSCaR) Assessment has been postponed until next meeting. This is due to the need for high level epidemiological review by people who have been inundated with Covid issues (see email message too). It is expected that the assessment results will be available for the next session in late October. Donna also noted that the Core Team meeting agendas have been packed so tightly that time for sharing,

processing, and retaining information may have been affected. This time she limited the agenda content to allow for more team conversation and information clarity.

Mike Kucinski, DEQ, reported that he had spoken with Rebecca Chu, EPA, who is Sheryl Stohs manager. Both Rebecca and Sheryl want to be clear about EPA's role within this process, and to ensure that they add value. EPA suggested pausing their involvement to allow time to get input from the community and agencies regarding how EPA's Environmental Justice Program might best support the effort. Mike shared with Rebecca that there was community interest in funding for air quality monitoring and Rebecca is looking into options. Core Team members were asked to provide additional input on the desired role for EPA's Environmental Justice program directly to Mike via email: michael.kucinski@deq.state.or.us.

- ACTION: Core Team members will email Mike Kucinski with input on how EPA's EJ program can best support the group's efforts.

Soil Sampling and Community Engagement - Susan Turnblom, DEQ, presented information on the soil sampling at JH Baxter (see presentation below). Susan reviewed what has already occurred and what is planned to occur. In September 2020, the DEQ received initial sampling results that led them to determine more soil sampling was needed to understand the extent of contamination near JH Baxter's facility. DEQ worked with LRAPA to model where air contaminants from Baxter were likely to deposit, and then a draft soil sampling plan was submitted, revised, and finalized by Baxter consultants in August 2021. Susan noted that the edits received from Core Team members on the draft soil sampling plan were very helpful and resulted in the following changes to the plan:

- Background locations for sampling (two additional background locations further away from industrial sources were added to the plan);
- Soliciting involvement from three regional tribes; and
- Content included in the letters sent to community members, explaining the need and process for soil sampling.

In August 2021 DEQ contacted 21 neighboring residents regarding the soil sampling. Baxter also contacted those residents requesting permission to sample on their property. Additionally, DEQ mailed a factsheet on the soil sampling process to 125 residents in the surrounding community.

Sampling is expected to begin in late September or early October of this year. At this time, they are still waiting for residents to grant permission for access. Core Team community members, Arjorie Arberry-Baribeault and Robin Bloomgarden offered to go door-to-door to the 21 residents to explain the need for soil sampling and to encourage residents to grant permission. Lin Woodrich offered to share information on the soil sampling effort in the Active Bethel Community News Blast. It was suggested that DEQ or Baxter might want to add some sort of financial incentive for residents to participate in the sampling.

- ACTION: Susan and Dylan will coordinate with Arjorie, Robin, Lin, and other Core Team members willing to visit the 21 residences and provide information to the community.

Susan walked the group through the sampling process, noting that the first step is to sample in the yards immediately to the north of Baxter (roughly between La Casa Street and Alva Park Drive). Background samples will also be taken at 7 sites away from the facility. The background sites are not expected to have contamination from Baxter. Some of the chemicals they will be sampling for are naturally generated and so will be present in the soils; the background samples will help provide a baseline for the amount of contaminants that are expected to be naturally occurring in soils in the area.

The samples will be taken by a 3rd party consultant hired by Baxter. They will use a method called "incremental sampling" which has been determined to be the best way to get a representative sample of what someone living in the home would be exposed to. The sample will be made up of soil from 30-50 randomly generated locations throughout a single property and blended together for analysis. DEQ also will take samples and send their samples to a different lab for comparison.

Once the results from the soil samples are processed, DEQ will determine if more sampling is needed further from Baxter. There are decision protocols for evaluating the data to determine whether the concentrations in the sample are elevated and pose risk. The first step is to assess the results using risk-based concentrations, then the samples will be compared to the background samples to see if they are elevated. If the concentration is higher from the yard than the background samples, DEQ will know that something needs to be done to mitigate and lessen the risk. Additionally, dioxins have "fingerprint", which can help DEQ determine the source.

If the results to do not indicate contamination above the risk and/or background levels, then there will not be more soil samples taken. The yards chosen for the sampling were due to their location and the increased likelihood that, if there was air deposition contamination, then this most likely would be where chemicals were deposited.

The finalized data from the samples will be made available to the public, however, specific locations of samples will not be in order to protect the privacy of residences sampled. It was important to Core Team members that all the data be made available, including the background samples, so that the community is informed. Likely, there will be a map in the final report that shows general locations where the samples were taken and what the results were for that location. If people want more information, DEQ can help clarify how far a person lives from the samples taken. Diana Rohlman, OSU, suggested sharing the results by "average by distance" without identifying the homes.

DEQ committed to updating the Core Team via email about the soil sampling timeline. Susan also noted that they hope to share the "decision matrix" regarding what actions DEQ will take if sampling results are elevated at the October session.

- ACTION: DEQ will update the Core Team about the soil sampling timeline between sessions via email.

Dylan provided the team with links to DEQ's Baxter webpage: https://www.oregon.gov/deq/Programs/Pages/JH-Baxter.aspx and the soil sampling factsheets in both Spanish https://www.oregon.gov/deq/Programs/Documents/jhbUpdateSamplingES.pdf and English https://www.oregon.gov/deq/Programs/Documents/jhbUpdateSampling.pdf .

Air Monitoring - Max Hueftle, LRAPA, updated the group on the Cleaner Air Oregon (CAO) process, progress, and timeline (see presentation below). The CAO steps include a report of the toxics (emissions inventory), an assessment of risk to human health, and then actions needed to reduce the risk. Baxter is at the first step in the process - the Emissions Inventory. This is a long and detailed step in the process, as LRAPA needs to detail what is coming from Baxter before determining the potential risk to the community.

For the Baxter facility the Emissions Inventory (EI) will look at the emission factors, site specific measurements and direct air emission measurements.

- Emission factors are representative values developed at the federal and state-level and derived from source testing, engineered estimates, and studies. LRAPA will use emission factors for the

boiler (natural gas and diesel) and the lumber drying process. The representative values may be updated before the EI, and the best available science will be used.

- Site specific measurements include liquid and oil samples taken at the facility and are used to help inform the emission calculations. The liquid and oil samples have already been taken, analyzed, reanalyzed, and are now being reviewed. LRAPA expects to have finalized results from the Baxter contractors this week. Max noted that the liquid sample results will help assess how much of the contaminants are in the air and in 'fugitive emissions'. Fugitive emissions are emissions from activities that are difficult to measure directly because they do not come directly from stacks.
- Direct or stack/source testing is something that LRAPA required for key point sources including the carbon adsorption unit stack, emissions from the retort and storage tanks, the penta stack and ammonia scrubber stack. LRAPA is currently reviewing the test plan and expects sampling of the ammonia scrubber in September and testing on the penta and carbon adsorptions units in October.

Max provided approximate dates and next steps, noting that some of the timelines are required deadlines by Oregon CAO rules, including the completion of the EI, modelling protocol, risk assessment work plan, and the completed risk assessment. If all goes as planned, there will be a completed risk assessment for Baxter by summer 2022. There was frustration from some Core team members regarding the time frames given for Baxter to fulfill the requirements of the emissions inventory. From the community perspective, Baxter has delayed repeatedly in the past. Max understood the frustration and noted that time is needed to ensure that the process is comprehensive, thorough, and will result in a good assessment of the community risks.

Questions from Core Team members:

- Will the process include emissions for the open storage ponds?
    - The liquid/oil sampling will provide liquid mass fractions that are converted into vapor mass fractions to estimate the fugitive air emissions for the storage tanks, process water, storm water, and groundwater treatment, retort door openings, treated wood, vacuum systems, work tanks, equipment leaks and railcar/truck unloading.
- LRAPA had reported at a previous Core Team meeting that Baxter will discontinue using penta; how will the CAO process handle the past and current use?
    - Baxter is phasing out the use of penta (as it will no longer be manufactured in the United States), however, they will use the rest of the Penta onsite. LRAPA is requiring sampling of the penta now so that they have information of what may have been released. Once the penta is gone, Baxter likely will use DCOI and possibly chromated copper arsenate (CCA), however, they have not applied for permits with LRAPA yet. Baxter is currently going through the permitting process with DEQ Stormwater for the use of those chemicals.
- Are the tests for the EI more accurate than fence line air emission testing as far as quantifying pollution coming into the neighborhood?
    - Yes, fence line testing is not the most effective way to determine what is leaving a facility. It is better to sample the emissions from the facility and expand out.
- Could an alarm system be installed that alerts neighbors when pollutants exceed the safe level?
    - Unfortunately, the technology does not exist to do something like this.

Community Questions and Discussion – Donna opened the floor for community members to ask questions or discuss other ideas they have related to community engagement and Baxter.

Update on Settlement Negotiations – Per the team's request, Sarah Wheeler, DEQ, provided an update on the Baxter settlement process. Sarah reported that DEQ is working with Baxter's legal counsel to get compliance on the items in the penalty order. These actions are not required by Baxter until the

settlement is finalized. There are three actions that DEQ is working towards: liquid sampling (as discussed by Max), additional sampling of the groundwater in areas potentially impacted by releases from secondary containment, and a stormwater overflow plan to include improved prevention and response measures. Additionally, they do not yet have agreement on the penalty amount. DEQ typically reduces the penalty amount to reflect the actions taken by the facility. Core Team members felt strongly that the penalty should not be reduced as it is reflective of the impact to the community. Sarah reported that if there is no settlement, DEQ will request a hearing with an Administrative Law Judge. Both DEQ and Baxter could appeal the judge's decision to the OR Environmental Quality Commission.

Core Team community members expressed that it feels like the facility is getting a "pass", the process is taking too long, and it is not fair to people living in the area. There was interest in the opportunity to share the community perspective with the judge if the case goes to a hearing. Sarah acknowledged their perspective and noted that one possible way to include community member's comments would be as an exhibit to the case; this was something that Sarah and her supervisors can consider. Further, an individual may petition or participate in the hearing, which Beyond Toxics is interested in doing.

- ACTION: Sarah will continue to keep the Core team updated as the settlement process continues.

Request for List of How Agencies are Incorporating Community Input – Ryan reminded the group that there is a standing request for a running list of changes to procedure and/or improvements that have come from the Core Team community member's input throughout this process. He noted that it is helpful to have this to show their time in this process is worthwhile and meaningful.

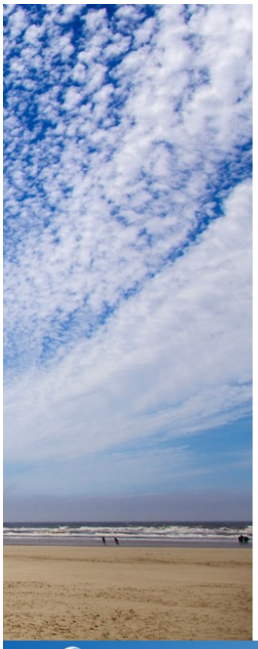
Next Steps – The next Core Team meeting will be scheduled for the end of October; DS Consulting will send a Doodle poll to find the best time. Anticipated agenda topics for the October meeting include:

- results from the OSCaR cancer analysis,
- follow-up on Health-based Jamboard questions/answers,
- possible roll-out of inter-agency story map on Baxter, and
- review of the list of changes to procedure/improvements that have come from the Core Team community member's input in the process (the "why it matters list").

With that, Donna thanked the team for their contributions and the meeting was adjourned.

This summary is respectfully submitted by the facilitation team at DS Consulting. Suggested edits are welcome and can be emailed to emily@dsconsult.co.

Cleaner Air Oregon – Air Emissions Update Presentation



Cleaner Air Oregon
J.H. Baxter - Emission Inventory

Lane Regional Air Protection Agency
Max Hueftle, P.E., BCEE
Operations Manager/Permit Writer

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Report air toxics
Companies to report use of **over 600 pollutants** to LRAPA.

Assess risk
Facilities calculate **potential health risk** 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.

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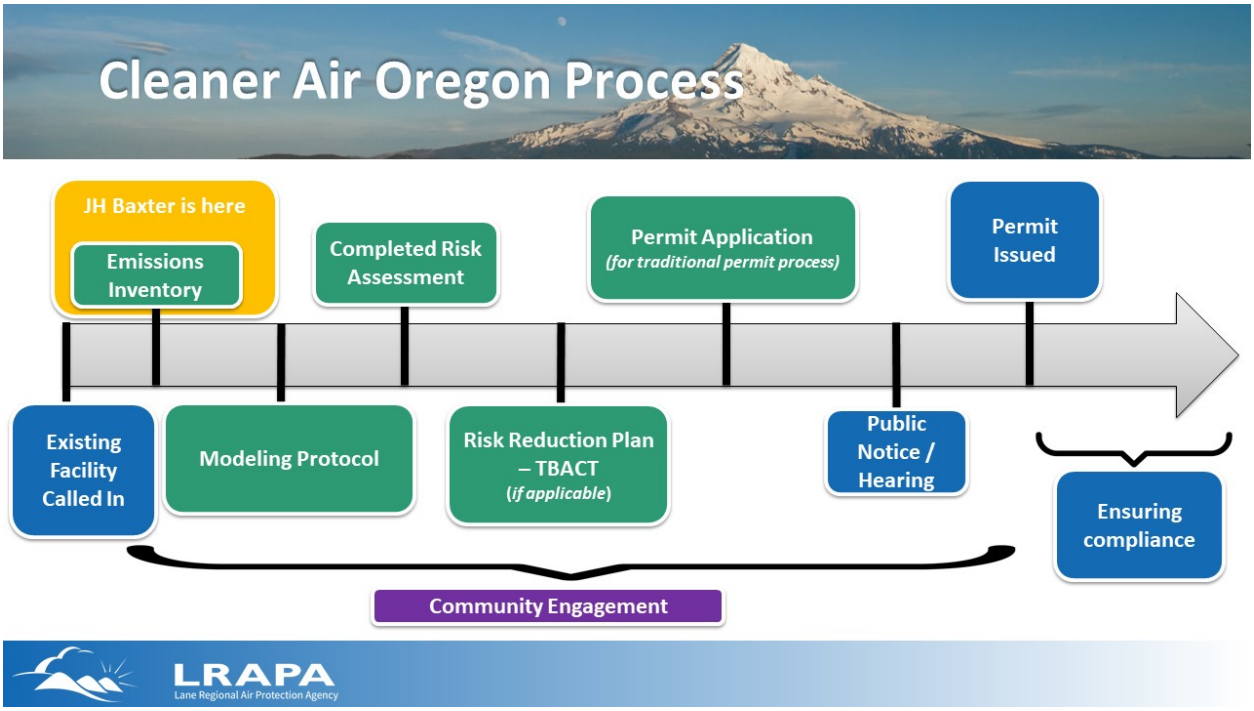
Cleaner Air Oregon Process
JH Baxter is here
Emissions Inventory
Completed Risk Assessment
Permit Application
(for traditional permit process)
Permit Issued
Existing Facility Called In
Modeling Protocol
Risk Reduction Plan – TBACT
(if applicable)
Public Notice / Hearing
Ensuring compliance
Community Engagement
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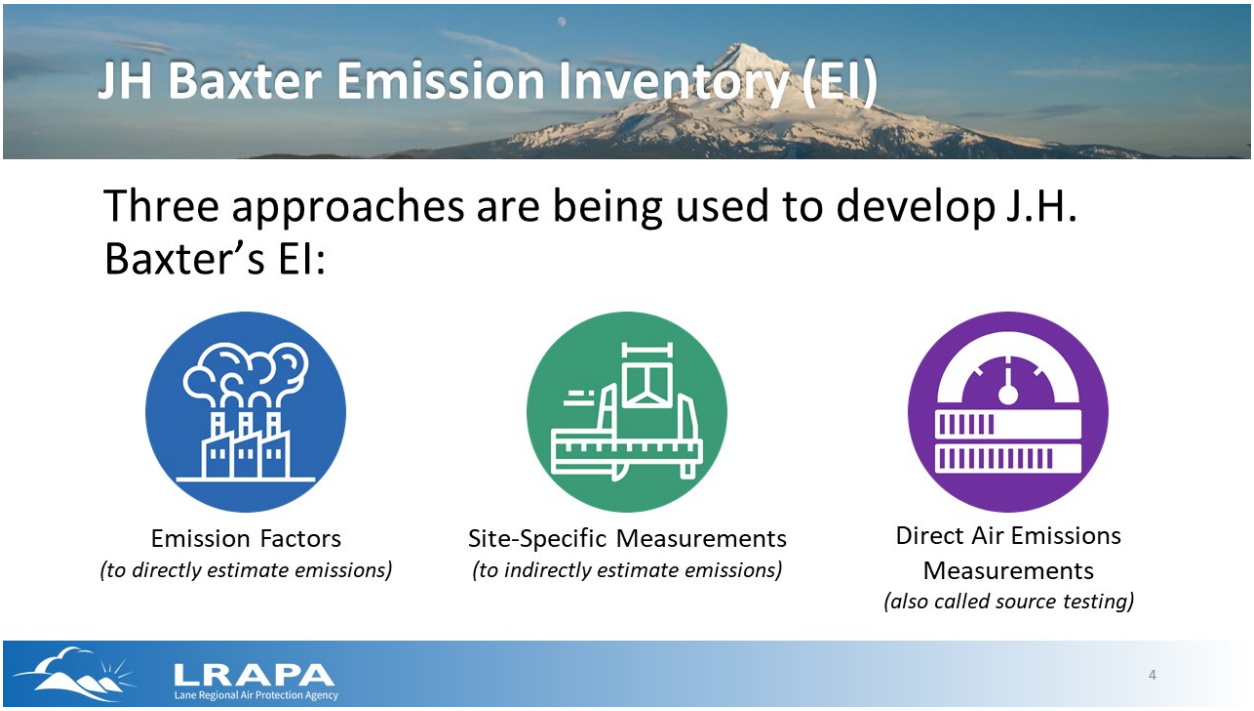
JH Baxter Emission Inventory (EI)
Three approaches are being used to develop J.H. Baxter's EI:
Emission Factors
(to directly estimate emissions)
Site-Specific Measurements
(to indirectly estimate emissions)
Direct Air Emissions Measurements
(also called source testing)
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An **emissions factor** is a representative value that attempts to relate the quantity of a pollutant released to the air with an activity associated with the release of that pollutant.

The following emission units will use an emission factor:

1. Boiler natural gas and diesel combustion
   - ✓ Using EPA AP-42
2. Lumber dry kilns
   - ✓ Using Oregon/LRAPA Statewide Emission Factors

Emissions factors are developed and compiled with:
- source test data
- material balance studies
- engineering estimates.

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A **site-specific measurement** uses a measurement or sample taken at J.H. Baxter to inform and improve emission calculations.

In 2021 site-specific measurements have been taken from process liquids and oils at JHB:

- ✓ These samples were analyzed at **two** third-party laboratories.
- ✓ Lab results were **finalized** in September and undergoing review by JHB's CAO consultants.
- ✓ Sampling results are expected to be received by LRAPA **this week** (September 10, 2021).

The emission inventory will use the measured liquid mass fractions from sampling to better estimate vapor (air) mass fractions.

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The liquid and oil samples are measuring for **multiple** types of analytes.

- ✓ Dioxins/Furans
- ✓ Pentachlorophenol
- ✓ PAHs
  (polycyclic aromatic hydrocarbons)
- ✓ Ammonia
- ✓ Wood organics
  (e.g., methanol, formaldehyde, etc.)
- ✓ BTEX
  (Benzene, toluene, ethylbenzene, and xylene)
- ✓ Total metals
  (e.g., arsenic, copper, mercury, etc.)

Knowing how much is in the liquid and oil helps estimate how much is in the air.

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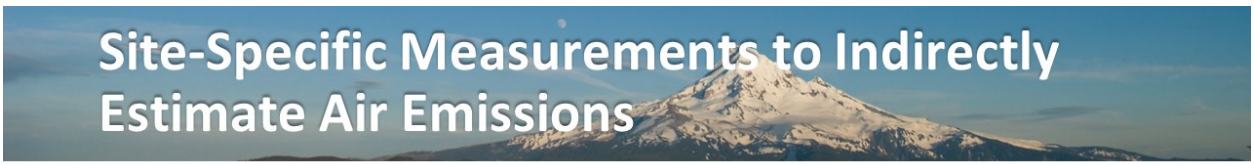

Liquid and oil samplings will be used **primarily** for "fugitive" emission sources, and/or sources with emissions that are difficult to measure directly.

- ✓ Retort door openings
- ✓ Treated wood
  (on both the drip pad and storage yard)
- ✓ Vacuum system
- ✓ Work tanks
- ✓ Storage Tanks
- ✓ Equipment Leaks
- ✓ Railcar/Truck unloading
- ✓ Process water, stormwater, and groundwater treatment

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Direct Measurement aka Source Testing

Source testing (aka stack testing) is a common method for determining the **direct emissions** from a piece of equipment.

Several key points in JHB's process and stacks will have direct emissions measured for air toxics:

1. Carbon adsorption unit stack:
   - ✓ Emissions from retort and storage tanks for creosote products and process liquids/oils *(VOCs, Dioxin/Furans, PAHs, PAH-derivatives).*
2. Pentachlorophenol (penta) stack:
   - ✓ Retort emissions from penta products (*pentachlorophenol, Dioxins/Furans, PAHs, PAH-derivatives*).
3. Ammonia scrubber stack:
   - ✓ Ammonia scrubber stack for waterborne products (*ammonia*).

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Direct Measurement aka Source Testing

LRAPA is currently **reviewing** J.H. Baxter's source testing plan and has consulted with ODEQ on similar facilities that have performed source testing.

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Approximate Timeline and Next Steps

CAO Item	Deadline
1. Liquid Sampling Results into EI	75 days after LRAPA review & approval of results
2. Stack Test Reports	45 days after field work
3. Stack Test Results into EI (Complete EI)	75 days after LRAPA review & approval of stack test reports
4. Modeling Protocol (MP)	30 days after LRAPA review & approval of Complete EI
5. Risk Assessment Work Plan (RAWP)	60 days after LRAPA review & approval of Complete EI
6. Completed Risk Assessment	120 days after LRAPA approval of MP & RAWP (Level 3)

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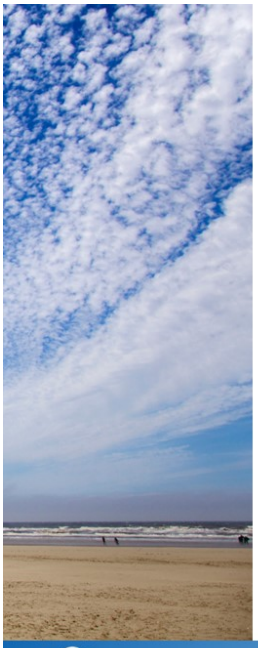

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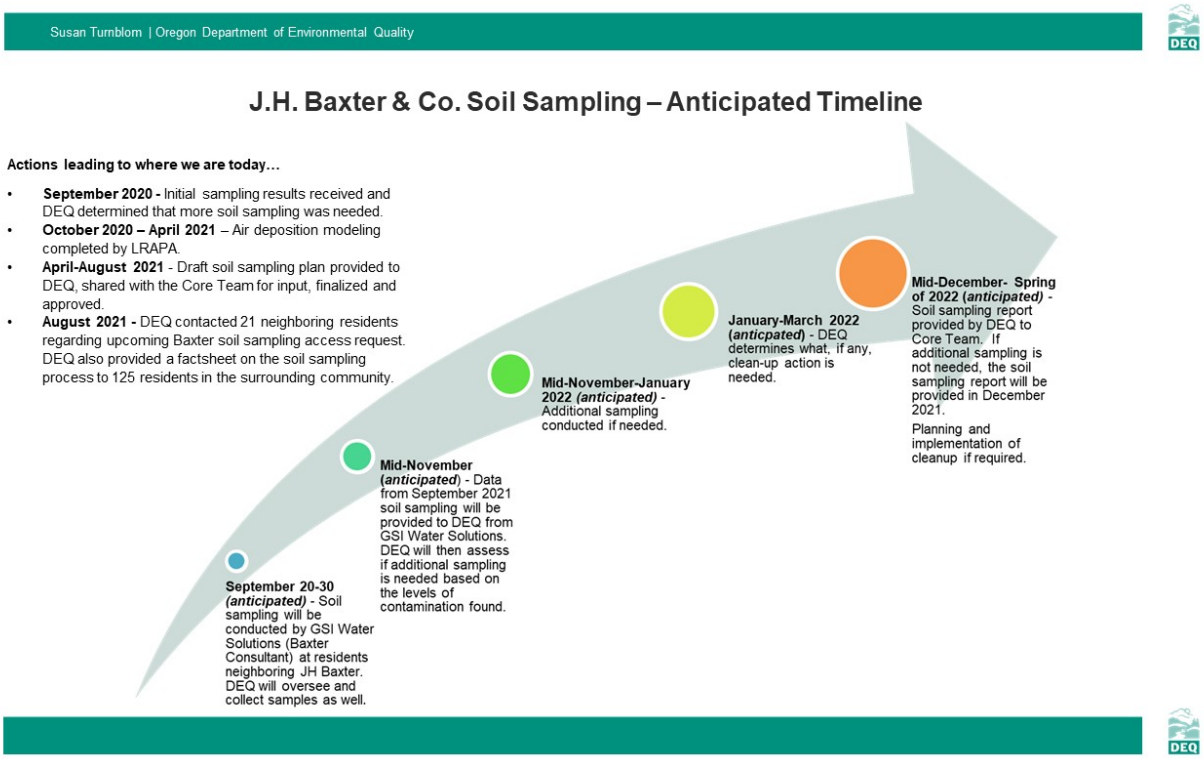
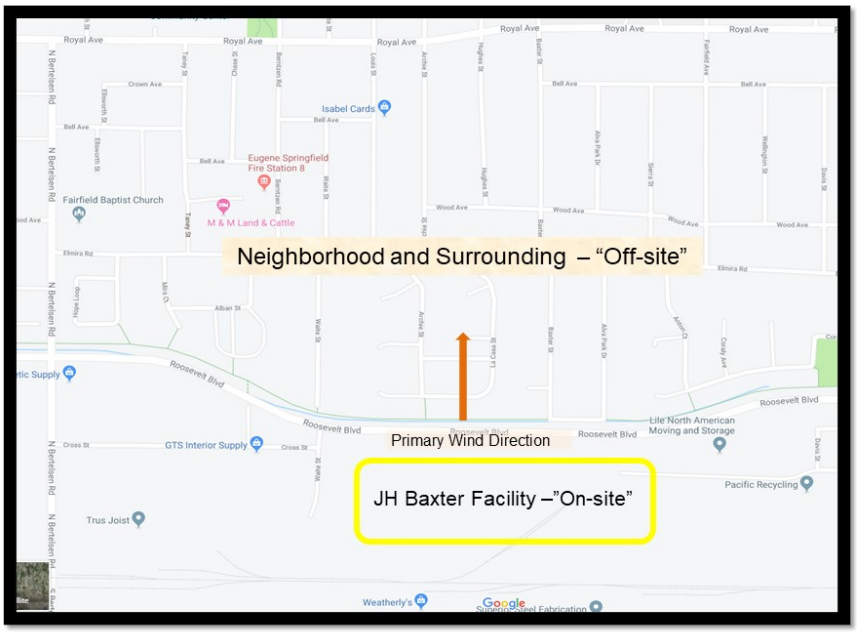
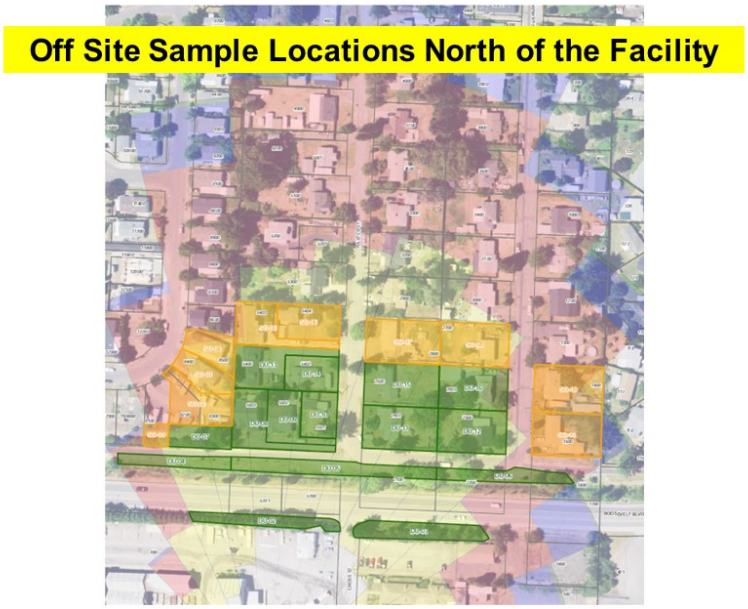
J.H. Baxter & Co. Wood Treatment Facility

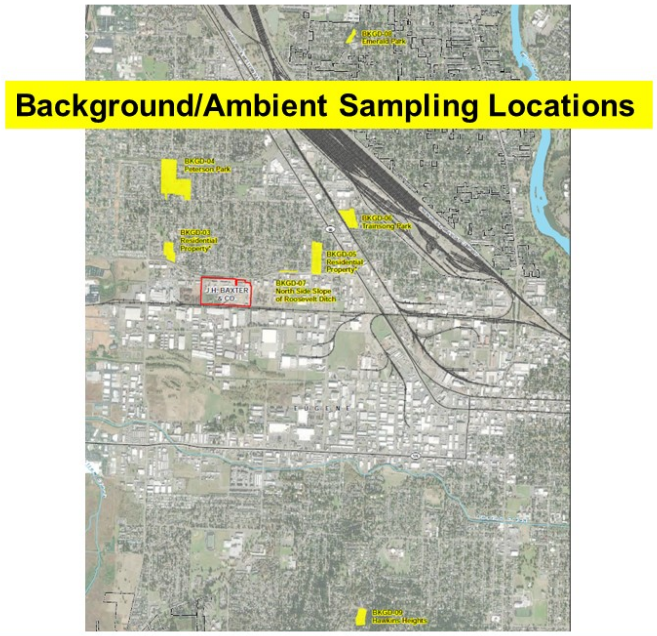
Off-Site Soil Sampling Update & Discussion

Sept. 7, 2021




Neighborhood and Surrounding – "Off-site"
Primary Wind Direction
JH Baxter Facility –"On-site"
Royal Ave
Bell Ave
Wood Ave
Elmira Rd
Roosevelt Blvd
Isabel Cards
Eugene Springfield Fire Station 8
Fairfield Baptist Church
M & M Land & Cattle
GTS Interior Supply
Trus Joist
Lile North American Moving and Storage
Pacific Recycling
Weatherly's
N Bertelsen Rd


Off Site Sample Locations North of the Facility



Chemicals that soil samples will be analyzed for

- Arsenic, Chromium, Copper, Zinc
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Pentachlorophenol (PCP)
- Dioxins and furans (dioxins)

Example of Increment Locations


Inserting sampling tool to collect increment sample


Putting soil into sampler

J.H. Baxter & Co. Soil Sampling – Anticipated Timeline

Actions leading to where we are today…

- **September 2020 -** Initial sampling results received and DEQ determined that more soil sampling was needed.
- **October 2020 – April 2021** – Air deposition modeling completed by LRAPA.
- **April-August 2021** - Draft soil sampling plan provided to DEQ, shared with the Core Team for input, finalized and approved.
- **August 2021 -** DEQ contacted 21 neighboring residents regarding upcoming Baxter soil sampling access request. DEQ also provided a factsheet on the soil sampling process to 125 residents in the surrounding community.

September 20-30 *(anticipated)* - Soil sampling will be conducted by GSI Water Solutions (Baxter Consultant) at residents neighboring JH Baxter. DEQ will oversee and collect samples as well.

Mid-November *(anticipated)* - Data from September 2021 soil sampling will be provided to DEQ from GSI Water Solutions. DEQ will then assess if additional sampling is needed based on the levels of contamination found.

Mid-November-January 2022 *(anticipated)* - Additional sampling conducted if needed.

January-March 2022 *(anticpated)* - DEQ determines what, if any, clean-up action is needed.

Mid-December- Spring of 2022 *(anticipated)* - Soil sampling report provided by DEQ to Core Team. If additional sampling is not needed, the soil sampling report will be provided in December 2021.

Planning and implementation of cleanup if required.

DEQ Next Steps

- Once we have signed access agreements, we will determine which sampling locations our samples will be collected from.
- We are developing a plan to determine how actions will be selected based on sample results
- DEQ and OHA will evaluate all new data
- Ongoing coordination with technical and community partners

Questions?