

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

## COMMUNITY ENGAGEMENT CORE TEAM

### Meeting 14

Tuesday, May 17, 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), Dylan Darling (DEQ), Steve Dietrich (LRAPA), David Farrer (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Kelby Land (LCPH), Diana Rohlman (OSU), Kim Tham (OHA), Susan Turnblom (DEQ), Jon Wilson (CoE), Sarah Wheeler (DEQ), and Lin Woodrich (ABC).

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

Welcome and Introductions - Facilitator, Donna Silverberg, welcomed the group to the 14th Core Team meeting, with a special welcome to Kim Tham, the new Program Manager for OHA's Environmental Health Assessment Program. 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).

This Core Team session was intended: to clarify and reaffirm group expectations and needs regarding Core Team group protocols; and to provide opportunities to share updates regarding community, OHA, LRAPA, and DEQ efforts.

**Follow-Up From Last Session** – The group did not have any edits on the April meeting summary, however, some members still needed to review the document. Core Team members agreed to review the summary and provide any suggested edits to Emily by COB, Friday, May 20<sup>th</sup>. DSC will share any edits received with the entire group; if no edits are received, the summary will be considered approved for posting to the DEQ website.

**Discussion about the Core Team's protocols** - The Core Team was divided into breakout rooms to revisit the group protocols and to clarify expectations to better support the collaborative effort moving forward. After small group conversations, the groups reported out and continued discussions together. The following reflections were provided:

- Many community members and agency representatives expressed interest in using the Core Team and cross-agency collaborative approach for additional facilities in the future. They felt that the approach was a good model, and that this effort has been effective and impactful. All recognized that these efforts are resource-intensive and that, depending on the facility, the Core Team members would likely change. Still, there was interest in considering how to carry aspects of the Core Team forward into future collaborative work.
  - One topic for future efforts is how best to communicate information to the broader community, including the tools, forums, groups, etc. that are available to help foster continued trust building and information sharing.
    - The StoryMap was highlighted as a useful broad communication tool.
- Community members expressed feelings of pride at being a part of the process, noting that their participation gives them confidence to share appropriate messages with the broader community and to serve as translators between the agencies and community members, which helps keep the community informed.
- The Core Team felt that it is important to maintain open lines of communication.

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- A concrete example of open communication was Lisa sharing BT's draft Guest Editorial with the Core Team prior to it being published. The direct communication within the Core Team helped the agencies hear the constructive criticism in advance and not make assumptions when reading information in the newspaper.
- Some specific ideas and suggestions for future communication included:
  - A series of informative stories in the Eugene Weekly;
  - More community involvement and acknowledgement in the agencies' press releases (i.e. community footwork for soil sampling, or potentially including contact information for community perspectives in press releases on a case-by-case basis); and
  - Sharing rough drafts of public correspondence with the Core Team for input ahead of release.
- Some expressed interest in exploring additional opportunities for collaboration, such as creating joint Core Team statements on areas of agreement (for example, a Core Team statement on the proposed risk bond).
- The Core Team acknowledged there are times when there is and will be disagreement or divergence between the community and regulators (for example, the agencies may not be able to go as far as the community wants them to). In those times, it has been helpful to be transparent with each other, and to be clear on perspectives, needs, limitations, and communication.
- The group expressed that it values getting "heads up" from partners, as well as giving each other the benefit of doubt. Donna offered an acronym developed by one of her students at Lipscomb University: the K.E.G. approach - giving **K**indness, **E**mpathy and **G**race to each other.

The Core Team did not identify any areas of the protocols that needed revision or any additions. Instead, they felt that this conversation was a valuable way to reaffirm and add clarity to previous commitments.

### Updates from Team Members -

- **ABC** - Lin shared that ABC will host a series of 5 public events this summer and invited Core Team members and agencies to join. She offered space for informational booths and noted that this is a good opportunity to share information with the Bethel Community. The events include May 28<sup>th</sup> at Petersen Barn Park, June 4<sup>th</sup> at State Street Park, June 18<sup>th</sup> at Bethel Community Park, July 2 at Grasshopper Meadows, and July 9<sup>th</sup> at Gilbert Street Park.
- **BT** - Diana and Lisa reported the preliminary results from the OSU & Beyond Toxics air quality study that took place in West Eugene in October 2021. Diana thanked the Beyond Toxics team for all their work in recruiting study participants and for collecting data in the field.

The study used both stationary air monitors and wristband monitors worn by community members. Samplers were located within 1.5 miles of the JH Baxter facility; including both wristband and stationary samplers to the NW, N, and NE; and only stationary samplers in the south due to the industrial nature of that area. In total, there were 17 stationary locations and 15 wristband wearers; 2 wristbands were lost, so the study included data from 13 wristbands. The study sampled for 63 different Polycyclic aromatic hydrocarbons (PAHs), including naphthalene. Diana noted that during the study, it was rainy; however, there was no wildfire smoke.

As next steps, BT and OSU are drafting a report of the study results. They will release the report first to study participants and then the public. Group members suggested that the agencies link the report to the JH Baxter StoryMap once it is available. [Note: preliminary results are not captured in

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this summary because the report is not yet finalized; once finalized, the link will be included in the summary.]

- **LRAPA** – Travis reported that JH Baxter is no longer operating their retorts. LRAPA’s permit had required operation of the carbon absorption units inside of the retort. JH Baxter requested that they no longer run the carbon absorption unit since the retorts are not operating. LRAPA granted permission to turn off the carbon absorption units only so long as the retort is off. Additionally, JH Baxter requested an extension on the source-testing requirement of the CAO emissions inventory, stating that they did not have funds to pay for the report that was due to LRAPA on May 9<sup>th</sup>. LRAPA clarified that the source testing has occurred and the samples have been processed; thus, the necessary information will be relevant and available once JH Baxter pays the 3<sup>rd</sup>-party contractor for the testing report. LRAPA extended the due date for the source testing to August 9, 2022. In the extension letter, LRAPA also clarified that JH Baxter cannot use the retort for any reason. In response to an inquiry from Lisa, Travis noted that the report cost around \$80,000. He also noted the contractor has a contractual obligation to provide the report it to JH Baxter only and will not provide it to others (even if they offer to pay for it). As yet, JH Baxter has not proven that they do not have funds.

Regarding inspections, Travis shared that LRAPA plans to visit JH Baxter within the next couple of weeks. To shed light on the ongoing efforts at JH Baxter, Donna offered to pull together a list of the agencies’ oversight, inspections and site visits since the facility shut down in February; DSC will provide this to the Core Team as soon as the information is gathered.

- **OHA** - David reported that OHA is continuing work on the draft Risk Assessment Report and an internal OHA review will start this week. The internal review will take a few weeks and once the review is complete, the document will go out for public comment. The results of the public health consultation were shared at the [March 1st Public Meeting](#).
- **DEQ** – Susan reported on Clean-up efforts, noting that additional residential sampling will be conducted by the U.S. Environmental Protection Agency (EPA) next week. EPA plans to sample 30 residences and currently has permission from 10 of those residences. DEQ staff will be going door-to-door to get more permissions while EPA samples. Regarding the DEQ soil sampling, DEQ still plans to collect samples from the residences that were intended to be a part of the initial residential sampling, and not included within the sampling due to lack of permission. Arjorie and Lin offered to help with the door-to-door permission-gathering if DEQ would like assistance. Susan will follow up with them.

Susan also shared that groundwater monitoring took place at JH Baxter and the results looked good in that they show a decreasing contamination trend. There is no surface water sampling planned at this point. Surface water and sediment sampling were identified as a data gap and DEQ will consider how to fill the data gap.

Regarding Enforcement, Sarah reported that DEQ issued an amended notice on May 4, 2022. The amended notice increased the penalty by around \$80,000 for new violations that took place since the original enforcement. All original violations still stand; however, JH Baxter did get some credit for mitigation that they implemented. Sarah reported that settlement talks are ongoing and if they do

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not reach a settlement, there will be a hearing August 2-4 to achieve a final order. (See Sarah's email on May 5<sup>th</sup> for more details.)

Killian reported that DEQ's Hazardous Waste program inspected JH Baxter in February (this visit was announced the day before) and they found violations, which are included in the amended order. The Hazardous Waste program reinspected in April (this visit was not announced to JH Baxter), and no violations were found. DEQ plans to inspect the facility again in the coming weeks to assess compliance and to get more info on the inventory on site. This visit will likely be announced so that someone knowledgeable is there to provide information to DEQ inspectors. In response to an inquiry, Killian noted that the hazardous waste from JH Baxter will need to be transported and managed in accordance with hazardous waste rules. Higher concentration waste will likely go to one of the certified incinerators in Utah, Texas, or Canada, depending on the best scenario for the facility. Lower-level hazardous waste can be disposed of in Arlington, Oregon. It is likely the waste will be transported by truck. Killian offered to share documents of past waste disposed of by JH Baxter if there is interest and committed to following up with more information after the next inspection. There was also a question as to what happens if JH Baxter says that they do not have funds to cover the disposal? Sarah indicated that DEQ is considering what the various scenarios could look like moving forward and will keep the Core Team updated.

Lisa observed that the community likely would perceive the recent delays and extensions poorly. She noted that JH Baxter is a significant non-complier that has been polluting the neighborhood and has a history of being dishonest. The community likely would not support the two additional delays and agreements between the agencies and facility. Lisa expressed the concern that there is no accountability or connection to the community that is impacted by these decisions and actions. She questioned why the hearing is delayed to August and why there is still talk of a settlement? She stressed there is no way for the community to know what is going on, or what will happen, and the regulatory system seems to be giving preference to the polluter via extensions. She also clarified that her criticism is aimed at the regulatory system and not at agency representatives.

**Next Steps & Action Items** - The next Core Team meeting will be planned for 5-7 weeks out; Donna asked the group to pencil in June 28<sup>th</sup>; however, if that date turns out not to work, DS Consulting will send a Doodle poll to schedule the meeting along with the draft summary of tonight's session. 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](mailto:emily@dsconsult.co)*