

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

## COMMUNITY ENGAGEMENT CORE TEAM

### Meeting 15

Tuesday, June 28, 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), Diane DeAutremont (Community Member), Steve Dietrich (LRAPA), David Farrer (OHA), Todd Hudson (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Mike Kucinski (DEQ), Steve McMillian (DEQ), Emily Pyle (ABC), Diana Rohlman (OSU), Scott Thielke (former employee, JHB), 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 15th 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 Regional Air Protection Agency (LRAPA), Oregon Health Authority (OHA), and Oregon State University (OSU). Scott Thielke, previous JHB employee joined the first part of the session. Donna and group members explained that the Core Team is a collective of community members and agency representatives that have been meeting together for 18 months, with the intention of fostering relationships and trust, sharing information, and working together to effectively communicate information to the broader public. She explained that, because of this, the Core Team has decided not to invite/allow additional people to team meetings at this time. Instead, if the Core Team decides to bring more community members in the future, they will add Scott to the list of 'interested parties' and inform him of future public meetings about JH Baxter. Scott shared that he lives in the area and is interested in hearing updates. DEQ provided Scott the link to meeting summaries and Lin invited Scott to the upcoming ABC park events (details below).

**Follow-Up From Last Session** – The group did not have any edits on the May meeting summary and approved it for posting to the DEQ website.

### **Updates from Team Members -**

- **LRAPA – Report on Eugene Fire response to odor complaint** – Travis noted that, in early June, Lin alerted LRAPA to a Eugene Fire Department (EFD) response at JH Baxter. He noted that it was helpful to be looped in and, as a result, LRAPA visited JHB on June 10<sup>th</sup>. The EFD call was due to a potential natural gas leak. However, the source of the natural gas odor was not actually on JHB property. Instead, they thought that the leak was at Pacific Recycling, but later found that it was not there either. The source is still unknown.
- **DEQ - Soil sampling** - Susan reported that DEQ conducted sampling on two properties they had intended to sample previously but had not received permission in time. DEQ also collected focused samples on three properties slated for cleanup later this summer or fall. These samples will help focus the soil removal plans. US EPA also collected samples from 22 yards from May 23 to 26. Results are expected sometime in July. Once results are available, DEQ will share them with residents and then the community. The results will help determine if additional yards need to be remediated. Some residences were not sampled due to no response from the owners. DEQ will review the current round of results and then decide whether to reach out for access to those properties. Both Arjorie and Lin offered to help with the contacting effort if needed. Susan shared that EPA has authorized up to 30 property samples. This means DEQ may sample 8 more at this time and, if more is needed

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(based on results), EPA is open to DEQ requesting more sampling. Lin asked that DEQ ask EPA to sample in homes, to which Mike agreed to inquire.

- **DEQ -Enforcement** - Sarah reported there are no updates on settlement talks with JH Baxter. The hearing is scheduled for early August and DEQ is preparing. At the same time, they are working with JHB's attorney regarding a potential settlement. Sarah will share updates as things progress. Dylan noted that DEQ produces a monthly enforcement "round-up" that they provide to the press, which often is reported. A round-up will go out tomorrow and will include the JHB enforcement amendment previously shared with the Core Team.
- **DEQ - Prospective Purchaser Agreement information** – Mike reported that DEQ has provided information to two nearby companies that may be interested in buying the JHB property (see Mike's email dated June 30th). The companies had questions about a Prospective Purchaser Agreement (PPA) with DEQ, which is intended to help clean-up the property and provide some sort of community benefit. DEQ coordinated internally and with partner agencies to provide the companies a list of all of the environmental requirements that they would need to address moving forward with a potential PPA. Now those companies have the option of applying for the PPA program. DEQ supports a PPA for this site because it could help secure some cleanup of the site. If a PPA is submitted, DEQ requires that it include information on how clean up would be conducted and how the site would be used in the future (the details of which would be determined by the seller/buyer). DEQ would provide those details to the public for comment via a comment period. PPA's are legal agreements that include a consent order and have built in "checks" to make sure that the purchaser follows through on the agreement or they don't receive 3<sup>rd</sup> party liability coverage. The PPA process would likely take around 6-9 months to finalize.

The group discussed the timeline for the City of Eugene's environmental overlay process. It was noted that the July 27<sup>th</sup> City Council meeting agenda includes conversation on "Chronic Toxic Polluters". Community members stressed the importance of these conversations at the City Council, noting that nothing has been decided, but that future decisions could impact future owners' use of the JHB site.

- **DEQ - Groundwater monitoring** - Susan reported that the groundwater plume continues to be successfully contained. 17 wells continue to be monitored - 13 onsite sampled once per year, 4 offsite wells are sampled two times per year. All show a downward trend on levels of Penta and chlorophenols. Sampling will continue moving forward to make sure the trend continues. Additionally, the groundwater system needs to be maintained in perpetuity, regardless of who owns the property. Regarding stormwater management, Steve reported that monitoring of treated storm and ground water systems is also ongoing. He noted discrepancies in the monitoring report that he is discussing with JHB. The data shows that JHB is within permit limits, however, DEQ has questions on flow and details, such as the dates and signatures on the discharge monitoring reports.
- **DEQ - Hazardous waste** - Killian reported that the hazardous waste situation at JHB is complicated. Because no company has gone through the process of phasing out Penta to date, state and federal regulators are paying close attention and providing guidance on how to do so properly. DEQ is developing a master plan to outline closure requirements. As part of the effort, DEQ has increased site inspections and plans to continue monthly inspections (inspections normally are required every 3 years).

DEQ and LRAPA recently inspected JHB and conducted a tank inventory to develop estimates of what currently is being stored onsite. They found ~300,000 gallons of hazardous wastewater (rainwater that has mixed with residues within containments onsite) that JHB is processing through the

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wastewater system, which is permitted by LRAPA. Additionally, JHB has inventory of ~200,000 gallons of preservative onsite. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) deemed that material cannot be used in other locations and so may have to be dealt with as a hazardous waste. JHB may appeal that determination.

Killian noted that one retort onsite contains process wastewater with some oil. JHB proposed to heat-treat this material in the retort, but DEQ and LRAPA denied the request. Instead, JHB will pull out the oil, treat that as hazardous waste for offsite disposal, and any remaining wastewater will go through treatment systems and the evaporator, which is permitted by LRAPA.

Travis explained how the wastewater process system works (see slides below). JH Baxter uses the system to collect, treat, and recycle processed wastewater. The JHB facility is a “zero discharge” facility, meaning that once the wastewater is treated, the subsequent sludge is trucked offsite and disposed as a hazardous waste. Wastewater is fed into the low temperature evaporator to evaporate the water. Heavier contaminants are pulled out and fed through the system again. The dirtiest/heaviest materials go to the j-press, which pulls out any remaining liquids and the solids then go offsite as hazardous waste. Nothing should be going directly to waterways.

- **OHA - Draft Risk Assessment Report Status** – Todd shared that OHA is working on the draft and the next step is internal review. They expect the public comment period to be late Summer, then a final report will be provided. Todd will coordinate with Lin to get the draft and comment process Notice into the ABC monthly newspaper.
- **BT** – Arjorie reported that she is hearing from many community members who are interested in soil sampling results, and she is looking forward to being able to share the results when available. Additionally, BT has been attending the ABC’s park events. Lisa noted that BT and the City of Eugene will have a ribbon cutting ceremony on July 9<sup>th</sup> at Westmoreland Park. The ceremony is to celebrate a new mural depicting Willamette Wetlands of the Kalapuya and wetland plant harvesting.
- **ABC** – Lin shared that BT, DEQ and LRAPA have all been participating in the ABC-hosted park events. The events include surveys for Bethel visioning and adding to the Bethel planning team. ABC will also host a recycling event on July 16<sup>th</sup>. Lin heard that a Work Plan is being proposed for an “area plan” for Bethel.

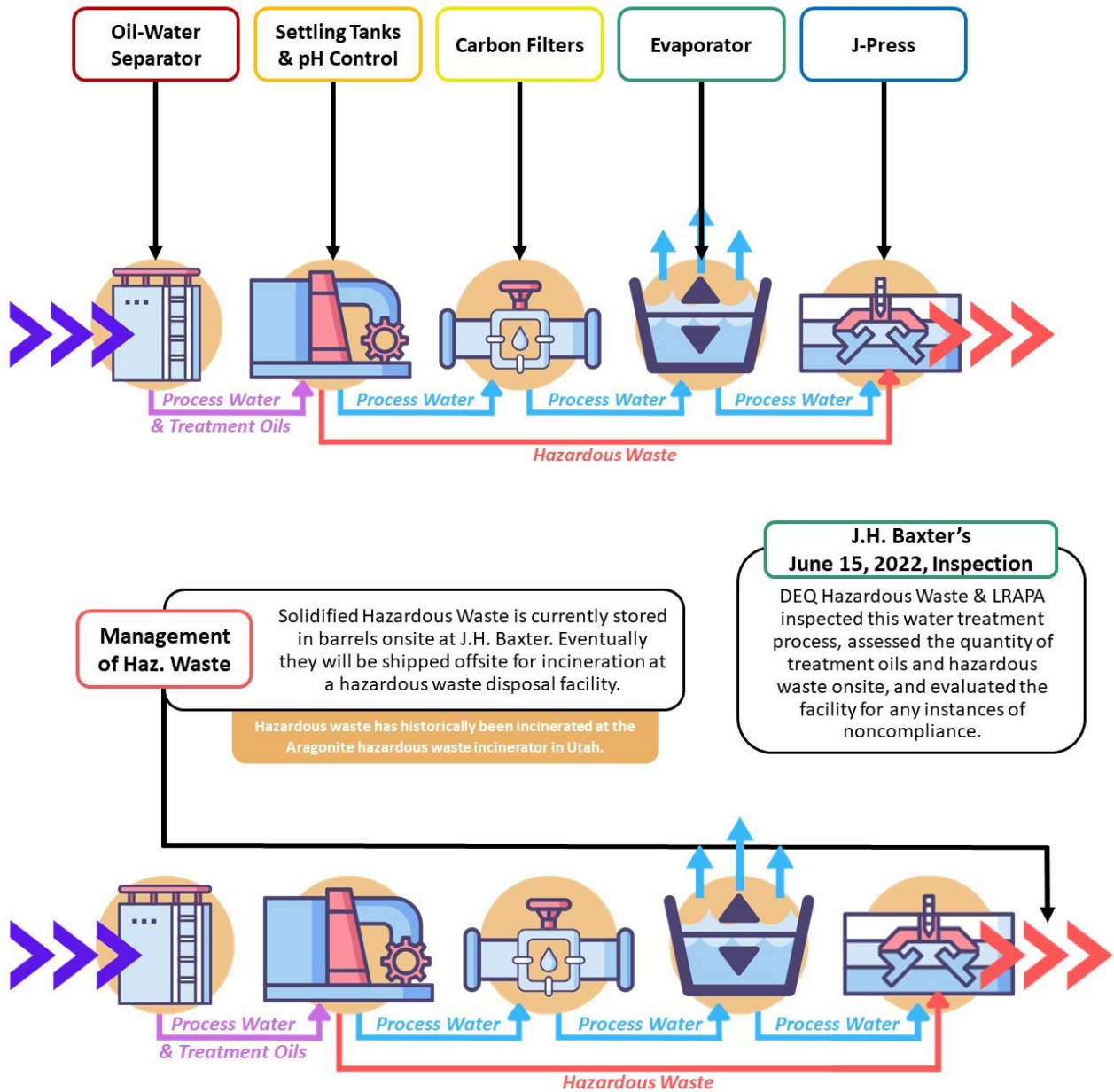
**Next Steps & Action Items** – The Core Team will meet again when the soil sampling results are available. In the meantime, any important updates will be provided via email. Please connect with Donna if you have an update to share with the Core Team between meetings.

With that, the meeting was adjourned.

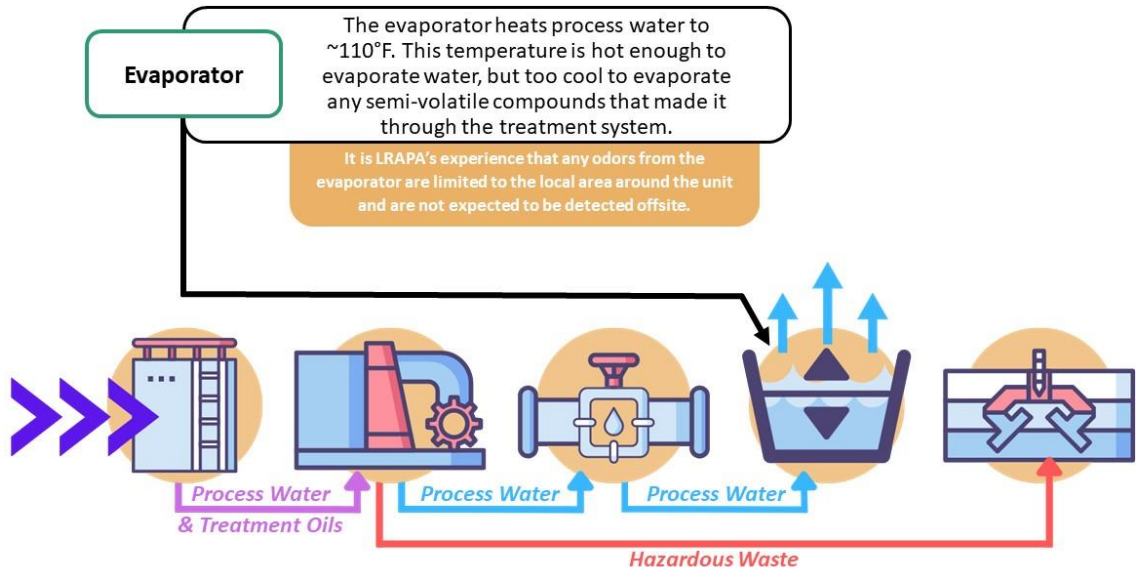
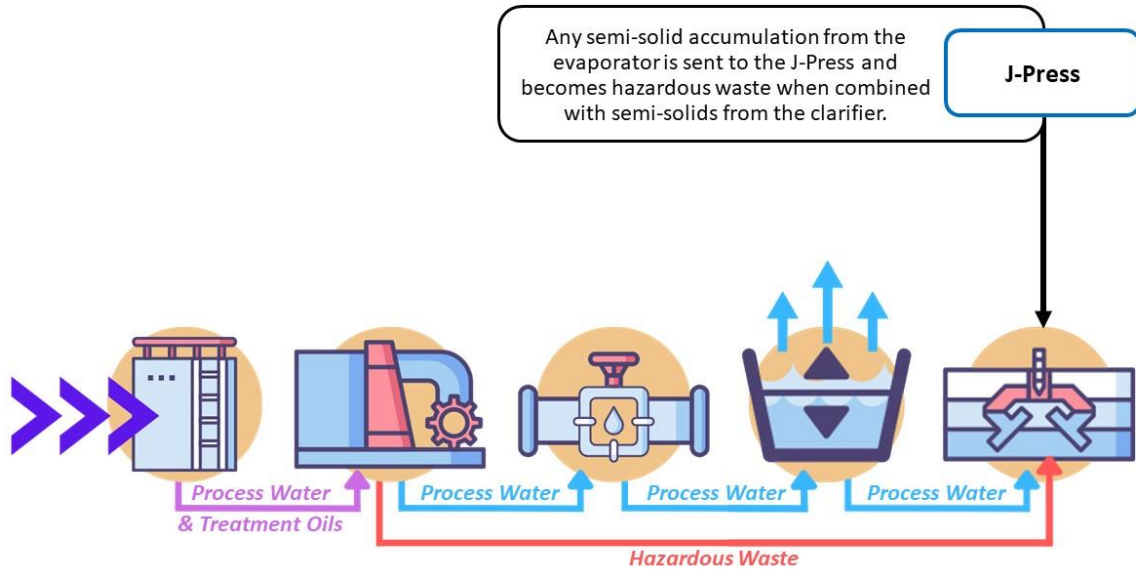
*This summary was prepared by the DS Consulting facilitation team. Comments or suggested edits should be sent to [emily@dsconsult.co](mailto:emily@dsconsult.co)*

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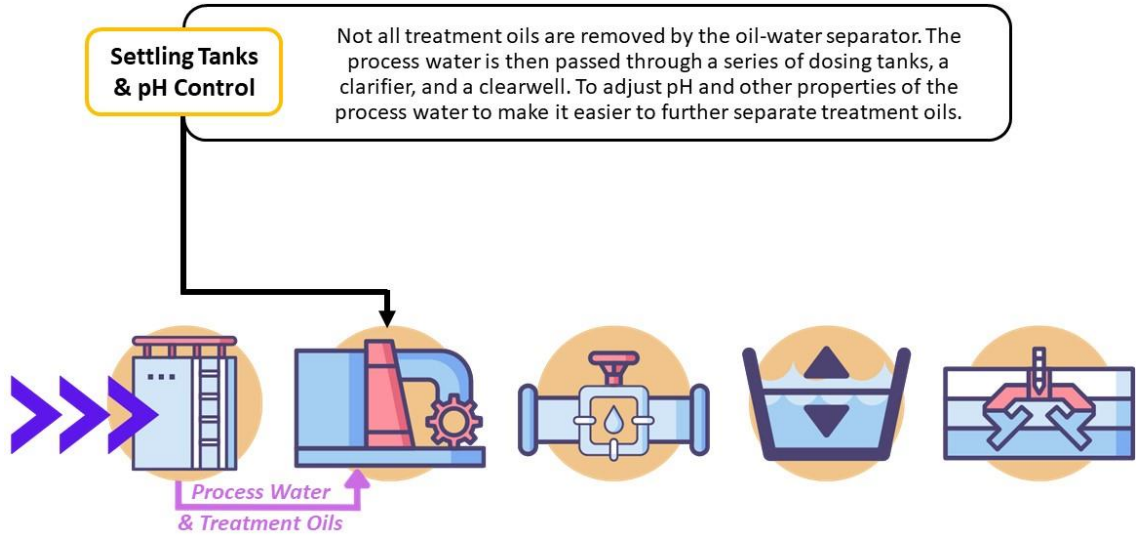
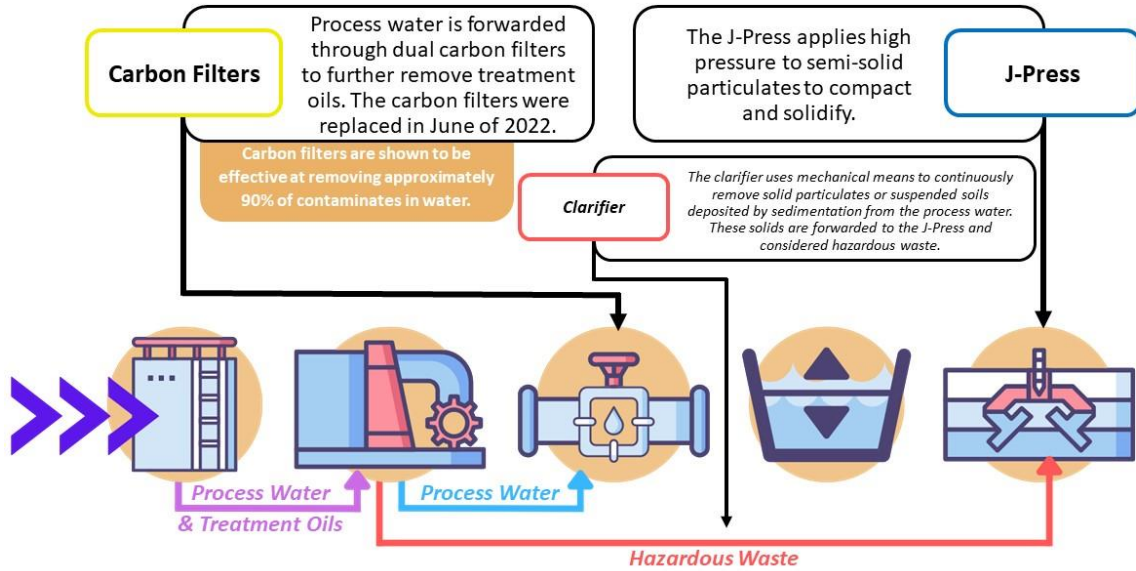
## LRAPA Presentation on Wastewater Processing



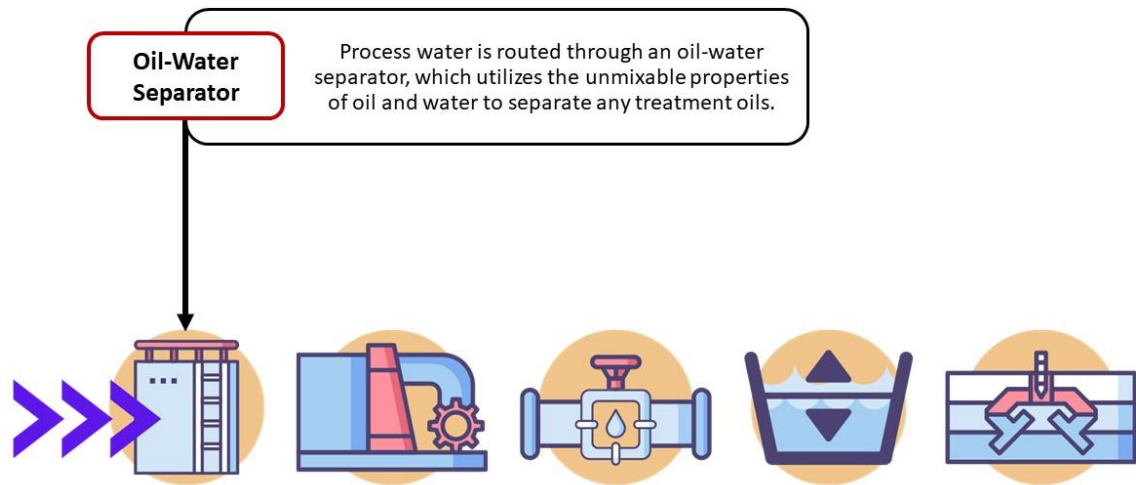
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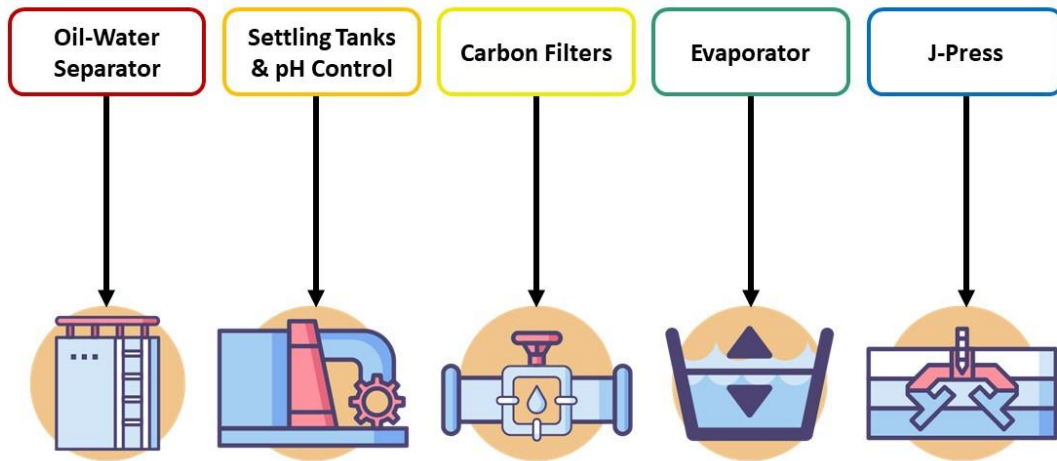
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The process water treatment system at J.H. Baxter's facility is used to collect, treat, and recycle preservative solutions and process water.

This process flow diagram describes the many aspects of process water treatment system.





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Questions  
or  
Comments?

