

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

## COMMUNITY ENGAGEMENT CORE TEAM

### Meeting 22

Wednesday, March 6, 2024

### Facilitator's Meeting Summary

Participants for all or part of the meeting: Jeremy Aasum (Community member/ABC), Lisa Arkin (BT), Arjorie Arberry-Baribeault (BT), Robin Bloomgarden (Community Member), Mary Camarata (DEQ), Killian Condon (DEQ), Alice Corcoran (EPA), Bonnie Criss (EPA), Dylan Darling (DEQ), Sarah Eagle (DEQ), Brad Eagleson (DEQ), David Farrer (OHA), Don Hanson (DEQ), Todd Hudson (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Kaley Major (DEQ), Randy Nattis (EPA), Molly Notarianni (OHA), Becka Puskas (DEQ), Teresa Roark (LCPH), Rafi Ronquillo (EPA), Nancy Sawka (DEQ), Trail Smith (CoE), Jon Wilson (CoE), and Lin Woodrich (ABC).  
Facilitation Team: Donna Silverberg and Emily Stranz, DS Consulting.

**Welcome and Introductions** - Facilitator, Donna Silverberg, welcomed the group to the 22nd Core Team meeting, with a special welcome to new(er) Core Team members: Sarah Eagle, DEQ project manager who replaced Susan Turnblom, Kaley Major, DEQ's new toxicologist replacing Susan Turnblom in that role, Molly Notarianni, OHA's new manager replacing Kim Tham, and Becka Puskas, acting manager of DEQ's Enforcement unit replacing Kieran O'Donnell. The purpose of the session was to reconnect and hear updates from DEQ and EPA about clean-up and sampling, to provide an opportunity for questions, to hear updates from community, OHA, LRAPA, City of Eugene, Lane County, and DEQ representatives, and to get input on future public meetings.

**Status report on Residential Cleanup** – Sarah Eagle, DEQ Project Manager, updated the Core Team on DEQ's residential cleanup efforts (see slides below). Following the October 30<sup>th</sup> Core Team meeting and November 13<sup>th</sup> public meeting, DEQ's request for bids period closed, without any bids submitted (despite multiple contractors attending the pre-bid site-walk). As a result, DEQ shifted gears and signed an incident order contract with a State of Oregon emergency services contractor to begin removal work on two of the highest priority properties. These two properties were prioritized because they had the highest concentrations of dioxins and the largest household of people potentially being exposed. On December 11, DEQ signed the contract and by the end of January, primary cleanup was complete (excavation of soil, backfill of clean soil/gravel).

Sarah reported that DEQ regulates landfills through their solid waste permits and that the permit requirements are clarified within state statute and rule, as well as federal regulations. DEQ coordinated with Short Mt Landfill, who agreed to accept the contaminated soil within their permit. Dump trucks used in this effort were covered and secured so no material escaped during transport.

Regarding the residential cleanup, Sarah reported that the excavators were GPS enabled and there were intermediate depth checks on the ground to ensure excavation to the necessary depth (based on previous soil sampling data). There were several surprises during the removal efforts including: finding improperly decommissioned septic tanks; a high waterline; and antiquated sewer tie-in infrastructure. These surprises made the process slower than planned, and will inform planning for the remaining residences.

After removing the contaminated soil, DEQ contractors added new fill soil and other surface materials (gravel, soil, and mulch). They also replaced fences and resituated sheds, toys, etc. that had been relocated for soil removal.

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

Sarah noted that, prior and during this time, there was a lot of good engagement with residents, who each chose what type of surface material they want. DEQ knocked on doors along Baxter and Alva Park Streets and discussed the project, sample results, and concerns (property values, aesthetics, future of project, impacts) with residents.

There are another 5 properties planned for cleanup that have dioxin contamination above the 40ppt threshold. Those properties will be cleaned up in the next phase of the project. DEQ/contractors installed mulch as a temporary barrier while they await full cleanup. DEQ re-opened the request for bids in January and it closed on March 1. DEQ received one bid that was in line with the cost of previous efforts, so DEQ will proceed with negotiating the contract. DEQ issued a notice of intent to award and hope to have a subcontract in place (via DEQ's current contractor, GSI) by early April. Assuming this schedule, Sarah is hopeful that work will begin in mid-April, with relocation-required work completing towards the end of May.

### Questions from the Core Team

- **Question/Comment:** Were the toys that were removed and re-placed, replaced with new toys?
  - **Response:** No, the toys were not replaced with new toys, just put back in place.
- **Question/Comment:** What is happening with all the other properties that were tested and need to be cleaned up?
  - **Response:** DEQ has committed to clean the first 7 and anticipates another 4 (all which exceed the 40ppt action level). Beyond that, it is uncertain at this time as DEQ is awaiting the results of the superfund process.
- **Question/Comment:** Thank you! It looks like you are doing a very thorough job and it is much appreciated.

**Facility Clean-Up: Update on EPA's Clean-Up Work** – Randy Nattis, EPA On-Scene Coordinator, presented on JH Baxter facility clean-up. Randy provided a brief recap of EPA's Removal Program (emergency, time critical removal) and Remedial Program (National Priorities List/Superfund) (for more details, see slides below, and previous Core Team and public meeting summaries).

Last time the Core Team met in October, EPA was wrapping up the site evaluation of the tank farm. Since then, they made the determination that immediate removal action is needed to protect human health and the environment. This removal action will include removal and disposal of the tank farm, including over 500,000 gallons of hazardous substances. To do this, EPA has drafted an action memo and is coordinating internally while also working at the national level to secure enough funds, and planning the removal details (such as, what is needed, how it would be done, cost estimates, disposal, and transport, etc.). The goal of the removal action is to remove the tank farm to bare earth. The drip pad and boiler rooms will not be part of the time critical removal; ideally those would be addressed in the Superfund process.

EPA managers and attorneys visited the JH Baxter site in November to support internal coordination, which is required all the way to Headquarters (HQ) in DC due to the scale of efforts needed (projects costing over \$6M require HQ concurrence and coordination). Region 10 EPA is working with HQ to try to secure more funds, and plans to carry over from FY23/FY24 funds and FY25 funds as well. EPA conducted an 'Ability to Pay' analysis and concluded that it is not likely Baxter will contribute funds for removal. That does not mean they are off the hook for costs, as EPA has a cost recovery program which can include EPA's and contractor's work.

Next steps for the time critical removal process include continuing internal coordination, with an aim of starting site walks with contractors and initial work starting in Spring 2024. EPA is evaluating transporting the

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

removed tanks and materials by rail, as it is safer than other modalities and there is a rail spur onsite. Additionally, Randy noted there will be community involvement, possibly including real-time air quality monitoring and a community trailer onsite where folks will be able to get information about the project.

### Questions from the Core Team

- **Question/Comment:** Will the EPA put a lien on Baxter properties?
  - **Response:** EPA could put a lien on the current property, but not other properties they own. EPA also can garnish or sue for money, if Baxter has any.
- **Question/Comment:** Does this current time critical removal include the retorts?
  - **Response:** Hopefully, but EPA will need to see the budget of tank removals first.
- **Question/Comment:** With the recent weather (tons of rain, ice), how has that been absorbed at the site?
  - **Response:** It is a struggle, lots of rain means a lot of water to treat; this was one of the variables used to determine the need for a time critical removal. Water that falls onsite is captured and treated. The site tends to pond in the middle of the yard, and there are sump-pumps on the perimeter of the site that treat water that reaches them.

Bonnie Criss, EPA On-Scene Coordinator, reported that EPA continues to work on the preliminary assessment and site inspection for the National Priorities List (NPL, aka Superfund) listing as they work their way through the steps to propose the site to the NPL. To date, EPA has collected 38 residential soil samples, 52 sediment samples in channels and around the property, and conducted a wetland delineation survey. A lot of the details are still internal, but EPA will share them as soon as possible: the data from the site assessment will be made available when the site assessment report is final, which is getting close.

Bill Dunbar, EPA Communications, added that as the superfund listing process continues to move forward, EPA will conduct more community outreach with the community, local and state elected officials, and members of Congress to provide information on the EPA process. More details will be provided in the coming months.

- **Question/Comment:** When EPA is reaching out to congressional leaders, will there be opportunity for EPA to involve the community in that process? Shouldn't they also hear from community experts? [Note: some community Core Team members expressed interest in participating with EPA in outreach to elected leadership, others felt that opportunities to connect with leadership were available through other routes, including writing a letter.]
  - **Response:** EPA must communicate about their work in the community and inform elected leadership about the process and potential listing. This typically is done via conversation with staffers about project details, process steps, and information sharing. These conversations will take place over the next few weeks and will not include community members.
- **Question/Comment:** How can the community help to make this their priority and encourage local leadership support, possibly with funding?
  - **Response:** Let your elected officials know you think this project is important and what you think needs to happen. EPA will be moving through the process in the next 3-4 months and part of that process is to have these communications, to provide an opportunity for questions by community leaders and elected officials.

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

- **Question/Comment:** Could you share how this EPA Team would partner with the community to apply for a TAG grant?
  - **Response:** Yes, Rafi will follow up with EPA's TAG coordinator for Region 10 about when it will be appropriate to apply for a [TAG](#).

### Other Updates

- BT – A Kalapuya High School science class created abstract art from data that BT collected on JH Baxter. The art can be viewed on BT's [website](#). Arjorie invited the teacher and an artist to talk on her podcast "Why We Do the Work" about how they feel impacted living near JH Baxter. The artwork will be on display at Eugene's Hult Center.
- ABC – Lin invited the Core Team to the June 8, 2024, "We are Bethel" event at Petersen Barn from noon-4pm. Those interested in hosting a booth can reach out to Lin. Travis noted that LRAPA will have a booth at the event.
- City of Eugene – Jon reported that he has been supporting DEQ and EPA when they need to connect to the city for various permits and needs regarding the JH Baxter cleanup efforts. Jon and the City of Eugene's wastewater team continue to visit the site for weekly inspections, where they inspect the outfall to make sure there is no over-ground flow that would indicate contaminated water leaving the site. On Monday's site visit, things appeared to be working. Jon and Trail offered that if DEQ or EPA need eyes on the ground, they are available to help, and they have a plan in place to continue regular inspections. The City will keep DEQ and EPA informed of any issues that might come up.
- OHA – OHA has finished incorporating the public comments into the Health Consultation Report and the draft is in final review. Following this, the document will go to publication.
- DEQ – Hazardous Waste – Killian reported that EPA was alerted about a leaking tank onsite in containment; they let DEQ know and Killian did an inspection. The staff onsite moved the contents to a better tank and there were no other obvious issues seen onsite.
- DEQ – Stormwater- Brad reported that the September 2023 vandalism to the stormwater system took a while to get fixed. After the vandalism, JH Baxter installed security cameras onsite: when movement is detected, the security company is alerted and inspects the site. They also conducted outreach to the local houseless community out behind the site and there has been no additional vandalism since. Unfortunately, shortly after the stormwater system was running, the ice storm damaged the groundwater pumps. At this point, both the stormwater and groundwater systems are running, however, only 1 of 3 of the ground water wells is functioning. A pump vendor was onsite last week to consult on a fix. Brad will stay in contact with JH Baxter to ensure the system is fixed.
  - **Question:** Is DEQ testing runoff water offsite?
    - **Response:** Rainwater that falls onsite is collected and pumped to storage tanks. Those tanks have secondary containment. So, when a tank overflowed, the water was contained onsite. No water is leaving site that is not first processed. DEQ cited JH Baxter last year for overflow when it put contaminated water where it was not permitted, even though it stayed onsite. DEQ is considering how to address overflow that occurs this year.
- DEQ – Enforcement - Becca reported that DEQ is working with OR Department of Justice Civil Recovery Team to evaluate what assets might be able to repay JH Baxter's civil penalties and what funds could be recovered. She noted that DEQ's director has made this a priority.

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

**Next Steps & Action Items** – Due to time constraints, the Core Team did not provide input on future public meeting needs. However, Donna noted that as the next public meeting approaches, DS Consulting will help pull together a meeting with Core Team community members. She anticipated that the next Core Team meeting will be within 6-8 weeks.

Donna thanked everyone for their participation and 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)*

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

Presentation Slides

## Residential Cleanup Status Western Region Environmental Cleanup

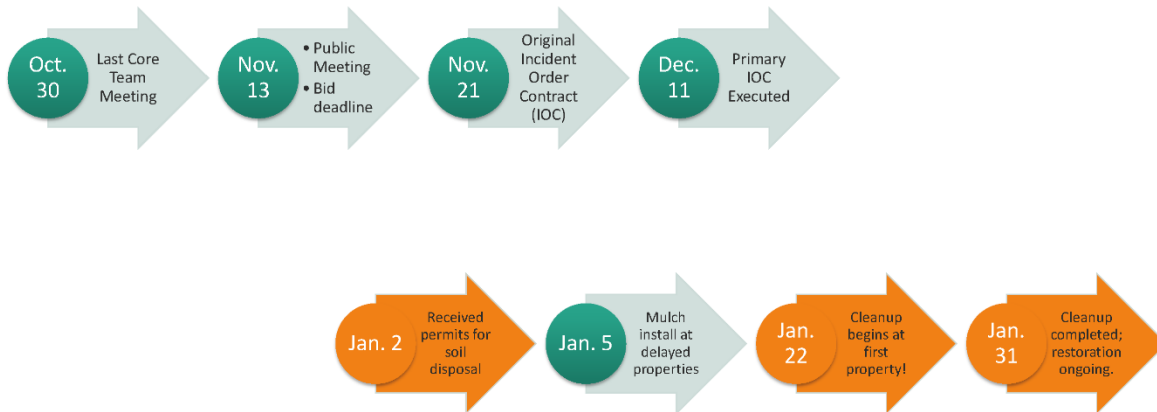
March 6, 2024



Sarah Eagle | Oregon Department of Environmental Quality



## Milestones since last Core Team Meeting



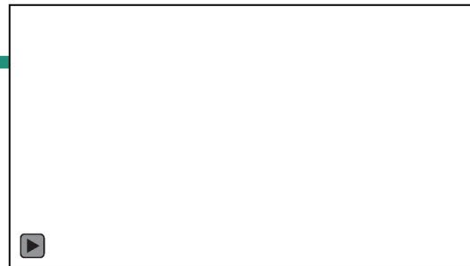
## Soil disposal

- DEQ regulates landfills through solid waste permits.
- Short Mountain Landfill agreed to accept soils after reviewing data provided by DEQ.
- Drivers notified landfill staff of contents on arrival and were directed to appropriate disposal location.
- Landfill operators work within enclosed cab equipment.



## Residential cleanup

- Ice storm delay in early January.
- Broke ground on Jan. 22 at first property and on Jan. 25 at second.



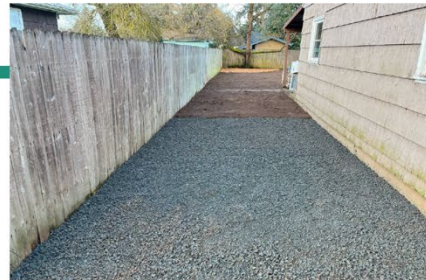
## Surprises

- Despite initial surveying and utilities locating... there were some surprises underground.



## Restoration progress

- New fill soil and surface material placement.
  - Provided several options to residents.
- Replacement of structures, fencing, and personal objects (e.g. yard toys, equipment, bikes, etc.).





## Restoration progress

- Remaining items:
  - Installing fencing.
  - Regrading yards.
  - Planting and landscaping.
  - Conducting final survey.
  - Inspecting sewer.



## Lessons learned

- Anticipate septic systems.
- Minimize personal property.
- Restoration preferences:
  - Encourage selection of finish surface types.
  - Consider drainage conditions, yard traffic and usage.
  - Select plants ASAP.

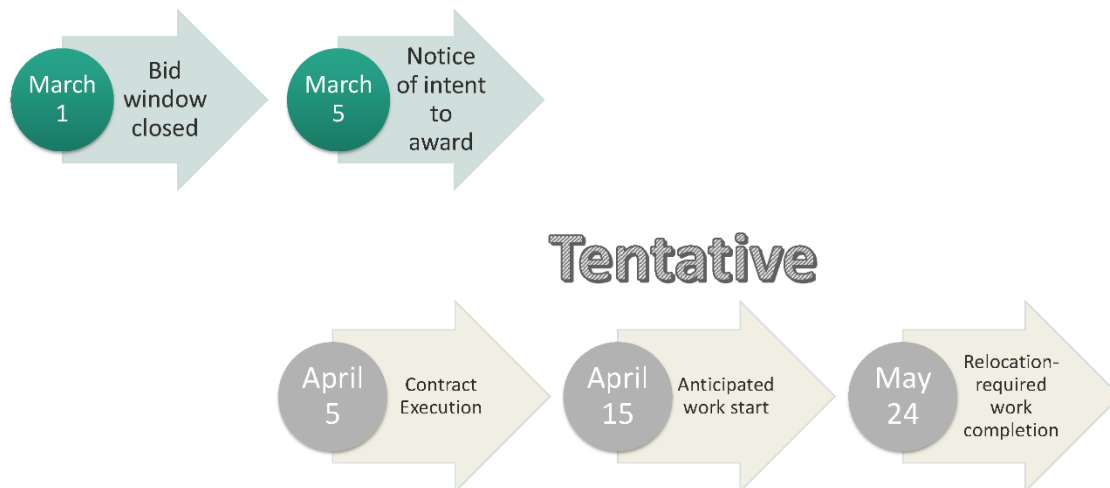


## Neighborhood engagement

- Provided notice of street traffic and activities.
- Discussed project with neighborhood residents.
- Concerns:
  - Future timing.
  - Sample results.
  - Aesthetics.
  - Property values.



## Looking ahead



## Title VI and alternative formats

---

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

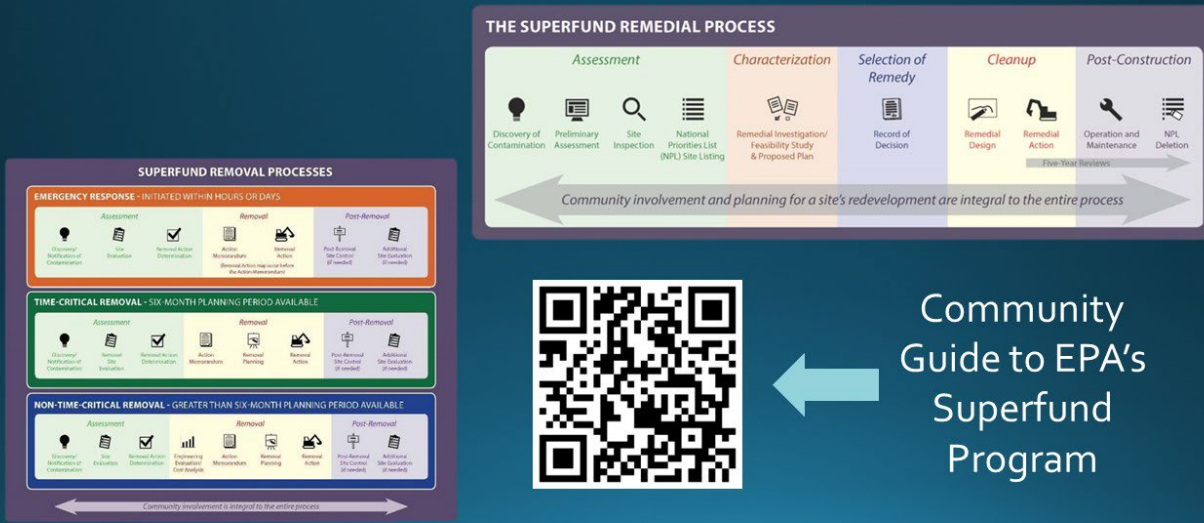
[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)  
Contact: 800-452-4011 | TTY: 711 | [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)



March 2024 – Core Team Meeting

# J.H. Baxter Updates

# Last Core Meeting – Superfund Process



## Removal Program Emergency Response & Time Critical Removal Actions

**Short Term**  
Actions where EPA determines that less than six months planning is available before site activities must be initiated.

## Remedial Program National Priorities List (NPL) "Superfund Site"

**Long Term**  
More involved actions where EPA determines there is a complex issue that requires more in-depth assessment or a more technical solution to the contamination

# Last Core Meeting - Removal

Last Meeting  
October 2023



Current  
March 2024



## Removal Action Determination

- Determined that the site requires “immediate” action to address the chemicals remaining on site.
- We sampled all the tanks on the facility – Determined >700,000 gallons of hazardous substances remain that will require removal.
- Worked with disposal companies to get cost estimates.



□ = Actions covered in this slide

□ = Current Step

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



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



## Current Step – Removal Planning

- Action Memorandum – EPA’s decision document for all removals
  - Due to statutory requirements of any removal action exceeding \$6 million, the region is required to work with and receive concurrence from EPA Headquarters
- Removal Planning – Scoping out the work and determining strategy
  - Working on getting our personnel and contractors lined up to complete the work.



## Next Step – Time Critical Removal Action

- Planning to start Spring 2024
- Actions to include pumping off chemicals, transporting them offsite for disposal (by rail?), dismantling the tanks farms and secondary containment, contaminated soil removal
- Community safety: robust community air monitoring strategy, best management practice implementation to limit exposure for workers and the community



  = Actions covered in this slide

  = Current Step

## Current Step – Site Assessment for Potential NPL Listing

The EPA Site Assessment Program is evaluating the analytical sampling results and other pertinent information to help determine possible next steps.





## EPA Site Assessment Program sampling, May 2023

The EPA Site Assessment Program collected 38 soil samples from residential yards and the J. H. Baxter facility and collected 52 sediment samples from the channels and creeks potentially affected by J. H. Baxter facility operations.



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



## Questions?

