

Coordination & Engagement on Issues Related to the JH Baxter Facility

COMMUNITY ENGAGEMENT CORE TEAM

Meeting 23

Tuesday, June 5, 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), Bill Dunbar (EPA), Sarah Eagle (DEQ), Ed Farren (ABC/Community), David Farrer (OHA), Don Hanson (DEQ), Todd Hudson (OHA), Max Hueftle (LRAPA), Travis Knudsen (LRAPA), Kaley Major (DEQ), Randy Nattis (EPA), Stephen Nguyen (EPA), Molly Notarianni (OHA), Brandon Perkins (EPA), Teresa Roark (LCPH), Diana Rohlman (OSU), Rafi Ronquillo (EPA), Brad Shultz (DEQ), Trail Smith (CoE), Raevyn Thompson (BT), 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 23rd Core Team meeting, with a special welcome to Raevyn Thompson, Beyond Toxics' recently hired Environment and Climate Justice Community Organizer. Donna noted that the purpose of the session was to reconnect and hear updates from DEQ and EPA about clean-up, sampling, and process moving forward; and to provide an opportunity for questions, to hear updates from community, OHA, LRAPA, City of Eugene, Lane County, and DEQ reps.

The Core Team approved the edited March 6th meeting summary with no additional edits.

Residential Clean-up DEQ – Sarah Eagle, DEQ, reported on the DEQ Clean-up effort (see slides on page 6-10). She noted that 7 residential properties near the JH Baxter facility now have had their yards cleaned up: two were completed in January and February 2024, and 5 were completed since then. While final site restoration work is still in progress on some of the yards, DEQ's residential yard clean-up will be wrapped up soon.

Sarah noted that, since the Core Team's March meeting, DEQ has continued working with contractors on the soil removal and restoration efforts. Preparations for the soil removal for the 5 properties started in April, with soil excavation starting at the end of April. There is a lot of effort that goes into the clean-up process including: preparing the site (stump grinding, removing personal property and objects, locating utilities, sewer line inspections and surveying); relocating residents; excavation; and, finally, restoration. As before, various challenges came up including infrastructure that needed to be moved or worked around, improperly decommissioned septic tanks, and sewer line fixes. 4 of 5 properties during this phase had to have water lines replaced. DEQ and their contractors worked through these challenges, always keeping in close communication with the residents affected by the work.

DEQ asked residents to choose how they would like their yards to be restored after the soil removal. Some chose replacement gravel, mulch, sod, or hydroseeding with clover. DEQ provided hoses and sprinklers where needed to support establishing replacement vegetation. DEQ expects to wrap-up the restoration in early June and DEQ's contractor will prepare a report of the clean-up effort this fall.

Brad Shultz, DEQ, talked about the overall project transition. He noted that DEQ will continue to be engaged in the JH Baxter clean-up as long as the site is still a State of Oregon "orphan site". However, since U.S. EPA is evaluating National Priority List (NPL or Superfund) listing potential, they will shift into the lead agency role. As part of the NPL process, EPA has requested a concurrence letter from Oregon Governor Kotek that should be delivered in the near future. Moving forward, the process will predominantly focus on the Time Critical Removal actions and site assessment. Eventually, remedial Superfund clean-up would occur, once it

Coordination & Engagement on Issues Related to the JH Baxter Facility

is determined to be an actual Superfund site (see below for more details on EPA's processes). To date, DEQ has led the communications effort with the Core Team. However, EPA will take that role moving forward. Brad anticipated that the Core Team meetings will not take place as frequently, but that will be determined by EPA's team (see below for more information on EPA's community involvement plan).

Questions and Comments

- *Question:* Do you have any sense of what Governor Kotek's response has/will be?
 - *Response:* The Governor had some questions that DEQ staff responded to. DEQ anticipates that there will be a concurrence letter within the next few days.
- *Question:* In addition to dioxin, are there other metals or chemicals in the residential soils that could trigger concerns or need for further actions?
 - *Response:* DEQ residential sampling results showed levels of dioxins that were concerning; metals were the only other substances of note. However, all were below concentrations commonly found in the area, and did not trigger additional clean-up actions or concerns.
- *Comment:* Thank you for what you have done. It looks like the properties and residents were taken great care of, and residents were listened to. DEQ staffs' attitude and help is much appreciated.
- *Comment:* DEQ might want to circle back to the residents to check in later; maybe even conduct a survey to get information about the experience from the residents' perspectives?
 - *Response:* Good idea to check in for feedback. DEQ will continue to provide updates and stay in contact with the residents. They will also provide the final report to the residents.
 - *Response:* Regarding a potential survey, Core Team members (ABC, BT and Diana Rohlman) were interested and willing to help with the effort.

EPA Updates: Time Critical Removal Action – Randy Nattis, EPA, presented on EPA's Time Critical Removal Actions (TCRA) (see slides on page 11-13). EPA has continued working on the TCRA and Randy reminded the group that a detailed description of the TRCA and the National Priority List/Superfund program was presented to the Core Team and to the public (see 2023 public meeting notes).

Regarding the TRCA process, EPA has completed the assessment phase and is in the middle of the removal phase, specifically focused on 'planning for removal'. These efforts are happening locally and are coordinated all the way to the DC EPA Headquarters; Randy assured the Core Team that EPA is taking this removal effort very seriously.

The TCRA program is designed to address the immediate risks to health and environment and will include removal of chemicals and infrastructure at JH Baxter. EPA is planning to start the time critical removal actions in July 2024. The goal is to remove the hazardous substances in the tanks, remove the two tank farms, and dispose of the chemicals, pipes, and other hazards onsite. EPA's assessment is it will take at least 10 months to get the removal work completed. Randy noted that because the removal action will include opening tanks and pumping out the liquids, it is likely that there will be smells at times in the process. There will be air monitors onsite and possible in the neighborhood to monitor if there is a release of chemicals. Also, TCRA will not address all sources of contamination; it is focused on the tank farm. Any other contamination, for example soil contamination, is outside of the scope of the TCRA program, which is why EPA is also moving forward with the NPL process.

EPA plans to host a community meeting to discuss the TCRA in early Fall 2024; this meeting may double as a Core Team meeting. EPA wants to ensure the public has information about what is going on as they work. So, they will have information available online and a trailer onsite where people can go to access information. Additional details of this effort and how it will be communicated with the public will be included in the communications plan (see section on EPA's Community Involvement Plan below).

Coordination & Engagement on Issues Related to the JH Baxter Facility

Further, EPA is anticipating conducting another soil sampling event later this year. EPA will sample a smaller set of properties near Baxter Street to help determine if trucking materials out of JH Baxter's facility was how contamination occurred. EPA is working to establish the edge or perimeter of the contamination.

National Priorities List (NPL) & Remedial Process – Brandon Perkins, EPA, presented on the NPL and remedial process (see slides on page 13-15). He noted that EPA utilizes the Superfund remedial process to ensure comprehensive investigation and assessment of contamination and, if listed, clean-up of the site. The NPL is a list of sites nationwide with known or threatened contamination. Placing a site on the list is the first milestone in the remedial process.

EPA is currently in the site assessment phase: the site assessment is complete, and the next step of the process is to evaluate the site for potential proposal to the NPL. Once the site is proposed for listing there will be a 60-day public comment period. After considering public comments, EPA will decide whether to add the site to the NPL. EPA proposes and finalizes sites to the National Priorities List through federal rulemakings that occur twice a year in the Spring and Fall. A site must first be proposed before it is later finalized and added to the National Priorities List. The next planned rulemakings are for Fall 2024 and Spring 2025. Fall 2024 would be the earliest that the J.H. Baxter site could be proposed for listing.

Rafi Ronquillo, EPA, presented on EPA's community involvement process within the NPL program (see slide on page 15), noting two critical pieces in the listing process:

1. **Community Involvement Plan (CIP)** – A CIP is a document that EPA and the community generate together. It will be created for the TCRA and is required to be complete within 120 days of the start of removal action (estimated to be in November 2024, based on the current schedule). The CIP will provide a description of the community near the site, its' needs, distinct features, communication preferences, etc. To develop the CIP, EPA will conduct interviews to collect direct feedback from community members regarding preferences for information sharing, frequency, and by what means communication is preferred. A draft copy of the CIP will be released for people to provide feedback.
2. **Technical Assistance Grant (TAG)** – A TAG is a funding opportunity through EPA Headquarters that is provided to community groups to hire a technical advisor to help explain technical details throughout the NPL process. These grants can be applied for once a site has been proposed for NPL. The funds are made available when the site is listed. From past efforts, the most helpful time to utilize these grant funds is during the remedial investigation feasibility study. The TAG grants can be renewed or reapplied for, as there are multiple complex stages of the NPL process that may benefit from technical support.

EPA will develop the CIP, and the TAGs are community driven.

Questions and Comments

- *Question:* Can multiple groups apply for a TAG?
 - *Response:* Yes, EPA encourages interested community groups to work together to apply for TAG.
- *Question:* Will the core team members be able to submit comments?
 - *Response:* Yes, anyone in the public can submit comments.

Stephen Nguyen, EPA, presented on the NPL site assessment (see slides on page 16-17). The site assessment provides vital information on the level of contamination at site and is used for the NPL listing process. EPA was able to use data from DEQ's previous sampling efforts and then conducted environmental sampling in and around the facility. The EPA Removal program was onsite in May 2023 to collect soil, surface water, and sediment samples. The samples were assessed for dioxins/furans, metals, pesticides, PCBs, VOCS, and semi-VOCS. In total, EPA took 26 soil samples from previously sampled yards, and 12 soil samples from the

Coordination & Engagement on Issues Related to the JH Baxter Facility

facility; they collected 52 sediment samples, and 26 surface water samples. The samples taken from the facility were the highest and most concerning for dioxins/ furans and metals (arsenic, cobalt, and lead).

The surface water samples did not exceed the ecological risk-based concentrations (RBCs), as was to be expected; Eugene is a rainy place, and contaminants get flushed elsewhere. The sediment samples exceeded the RBCs for dioxins: there was a general trend of higher concentrations of arsenic, chromium, copper, lead, nickel, zinc, and 2, 3, 7,8 TCDD in the industrial area (see slide 12); all of these had RBC exceedances. EPA will need to do additional evaluation to determine the source of contamination. That would come in the next phase after successful listing to NPL.

Questions and Comments

- *Question:* Are the Oregon Risk Based Concentrations (RBC) mentioned for ecological or for human health?
 - *Response:* They are ecological RBCs.
- *Question:* If contamination can't be attributed to JH Baxter, will that limit the EPA's authority to clean it up in this effort?
 - *Response:* As part of the NPL process, if other sources of contamination are found, they will be added to the site. For example, it is possible a facility next door or blocks away could be brought in as a potentially responsible party.
- *Question:* Are there monitoring results for pesticides or chemicals that were used as insect repellants?
 - *Response:* The City of Eugene monitors surface water on a bi-monthly basis and looks for heavy metals and several organic chemicals. Monitoring for pesticides also occurs but is not conducted as frequently and is not specific for the pesticides that would be used at JH Baxter.
 - *Response:* In the EPA sampling, pesticides were included in soil and sediment samples – there were detections, but none above the screening levels.
 - *Clarification:* EPA sampled for the different types of pesticides that could be associated with JH Baxter processes on the site including Pentachlorophenol, Creosote, and components of ACZA (Ammoniacal Copper Zinc Arsenate) and ACQ (alkaline copper quaternary). The metals detections above screening levels shared during the Core Team may be related to metals content of the ACZA and ACQ pesticides on site. There were no Pentachlorophenol or Creosote detections in the sediment.
 - *Response:* Arsenic, copper, chromium, and pentachlorophenol are all chemicals that are used to kill wood boring animals.
- *Question:* Can you provide more information on the community involvement in air sampling that was mentioned at the March meeting?
 - *Response:* Yes, that comment was about the TCRA. For the purposes of TCRA, EPA will sample to see if there are chemical releases. There will be a monitoring plan and sampling plan on the property, and possibly in the community. The monitoring will not be a regular occurrence, just as needed if there are reasons to expect that there is or was a chemical release.
- *Question:* Has EPA found the contamination boundary? Will there be additional residential sampling?
 - *Response:* EPA will sample more properties to the North, and will evaluate that data to see if more sampling is needed to determine the boundary. The agencies want to find the edge of the elevated sampling and so will also sample underneath the road, to see if Baxter Road was a migration pathway.
 - *Response:* There are a lot of properties on the east and west edges of the area that have been sampled that do not have elevated samples.

Coordination & Engagement on Issues Related to the JH Baxter Facility

Other Updates

- ABC: The We Are Bethel community event is on Saturday, June 8th. BT, LRAPA, and DEQ will all have booths at the event.
- BT: BT is continuing the Bethal Clean Energy Project; BT conducted a second round this spring and will work with another cohort come fall. This effort focuses on providing information to residents in the area around JH Baxter regarding incentives for energy efficient and indoor air cleaning appliances.
- City of Eugene: The City continues to monitor the outfall of JH Baxter stormwater, which they are doing at least once a week. They are also working to respond to information needs as they come up through EPA's work on the site. Separate to the JH Baxter clean-up, but of interest to the group, Jon reported that the City of Eugene secured \$1.5M EPA grant for soil remediation at Trainsong Park (which the group cheered!).
- Lane County Public Health: LCPH, as part of the [Live Healthy Lane Collaborative](#) has started the process of updating their Community Health Assessment (CHA). The CHA is completed every 5 years and guides the development of our Community Health Improvement Plan (CHIP). The goal of this work is to build a strong movement for community health. LCPH is currently developing a community vision for what a healthy community will look like. The visioning events are just the first phase and there will be many opportunities to shape both the assessment and the plan. If folks are interested in getting updates or being involved in the CHA specifically they can contact [Olatorera Adeniji](#) if they are interested in supporting implementation of our current CHIP or being involved in the development and implementation of our new CHIP they can contact [Leilani Brewer](#).
- LRAPA: Travis, who the group celebrated as LRAPA's new Director, expressed appreciation to Lisa for sharing more information with LRAPA regarding the Bethal Clean Energy Project, noting that he found the information very helpful.
- OHA: The OHA JH Baxter Health Consultation report is done, reviewed, and is in the Publications department. Once Publications is done, the final document will be released publicly.

Next Steps and Closing – In closing, Donna reminded the group that a draft meeting summary will be provided for review; due to the meeting schedule, approval of the summary will take place via email. Additionally, important updates and information will be shared as needed via email.

The next Core Team meeting may also be a public meeting; at this point in time, EPA is anticipating a Core Team/public meeting this fall.

Lin reminded the group to send any important information for the public to her for inclusion in the ABC monthly e-newsletter; submissions are due 1 week prior to the end of the month.

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

Coordination & Engagement on Issues Related to the JH Baxter Facility

Presentation Slides

Residential Cleanup Status Western Region Environmental Cleanup

June 5, 2024



Sarah Eagle | Oregon Department of Environmental Quality



Milestones since last Core Team Meeting



Residential cleanup — site prep

- Prep work began April 23.
- Work included:
 - Stump grinding.
 - Moving personal property.
 - Utilities locating.
 - Surveying.



Residential cleanup — earthwork

- Two phase relocation:
 - April 28-May 3
 - May 12-17
- Broke ground on April 29.



Coordination & Engagement on Issues Related to the JH Baxter Facility

Obstacles

- Not many surprises due to earlier cleanups.
- But still there were challenges...



Restoration progress

- Earthwork continued today.
- Finish surface materials being placed.



Restoration progress

- Phase 1 complete.
- Phase 2 ongoing.
- Landscaping planned for later this week.



Lessons learned

- Utility replacement is not a simple solution.
- Contract structure
- Resident communication
- Relocation?



Neighborhood engagement

- Continuous contact with residents in phase two.
- Discussed project with neighborhood residents.



Looking ahead (tentative)



Title VI and alternative formats

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J. H. BAXTER

EPA UPDATES

TIME CRITICAL REMOVAL ACTION

NATIONAL PRIORITIES LIST AND REMEDIAL PROCESS

EVALUATION OF SURFACE WATER PATHWAY

CoreTeam Meeting, June 2024

A photograph showing several large, green, cylindrical industrial tanks at the JH Baxter facility. The tanks are arranged in a row, with metal walkways and railings in the foreground. The background shows a clear blue sky with scattered white clouds and some green trees in the distance.

TIME-CRITICAL REMOVAL ACTION

- Determined that the site requires “immediate” action to address the chemicals remaining on site.
- We sampled all the tanks on the facility – Determined >500,000 gallons of hazardous substances remain that will require removal.
- EPA is planning a Superfund time-critical removal action (TCRA) on the J. H. Baxter property, planning for work to start July/August 2024.
- Goal of the TCRA is to remove all the hazardous substances remaining in tanks and decommission and deconstruct the tank farm.
- TCRA will not address all sources of contamination.
- EPA plans on hosting a community meeting to discuss TCRA in early fall.



2

RESIDENTIAL SAMPLING

- EPA will be conducting additional residential sampling for dioxins to determine the extent of residential contamination.
- Properties selected for additional sampling are yet to be determined.
- Sampling will likely happen late July/August.
- Sampling will also include sampling under Baxter St. to help determine if trucking routes may have contributed to contamination in the neighborhood.



3

**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"**

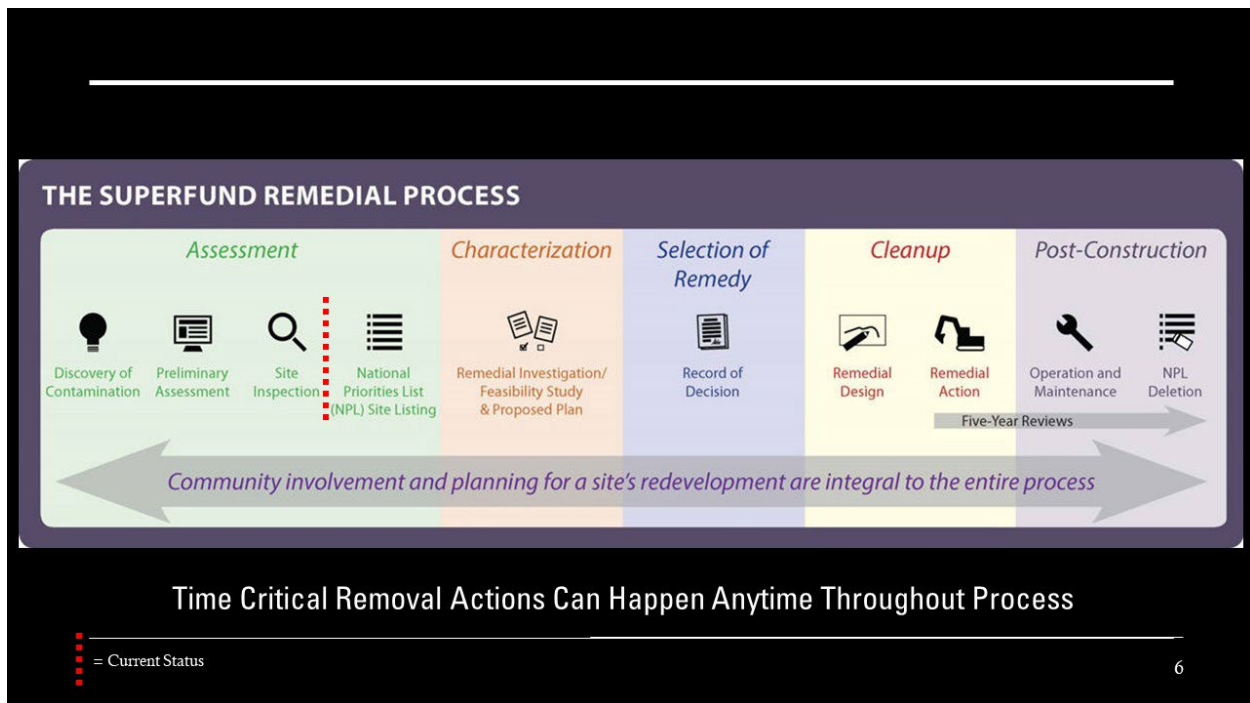
Long Term

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

WHAT IS THE NATIONAL PRIORITIES LIST?

- The National Priorities List (NPL) is a list of known contaminated sites where historic releases of hazardous substances, pollutants or contaminants pose significant threats to human health and the environment.
- Listing sites on the NPL is a part of the Superfund cleanup process that was established by Congress to ensure cleanup of high priority contaminated sites.
- EPA evaluates and recommends sites to be placed on the NPL.
- Data collected during the site assessment phase is used to determine site eligibility for placement on the NPL.

Coordination & Engagement on Issues Related to the JH Baxter Facility



PLACING SITES ON NPL – OPPORTUNITY FOR COMMUNITY INPUT

Generally, federal rulemaking occurs twice a year in the Spring and Fall to propose and finalize sites for the National Priorities List (next planned rulemakings - Fall 2024 and Spring 2025)

- Placing a Site on the NPL is a two-step process:
 - 1) **Proposal** - Site first *proposed* to the NPL with a federal register notice which includes a *60-day public comment period*.
 - Documents used to determine eligibility to the NPL will be available for public review during the public comment period.
 - 2) **Final** - After considering public comments, sites are *finalized on the NPL or not*. If added to the NPL, the sites are finalized on the NPL through a second federal register notice.

IF A TCRA IS BEING DONE, WHY IS NPL PROPOSAL NECESSARY?

- The Site will remain a significant source of contamination and poses potential risk to human health and the environment.
- No other state and federal programs have the ability fully to address the site.
- EPA believes the Superfund remedial process would ensure a comprehensive investigation and cleanup.
- TCRA elements would be considered an interim measure to prevent additional releases of hazardous substances.
- TCRA will not be addressing residential soils or the maintenance of water treatment operations. Some soil on the facility may be removed during the TRCA however most of the surface soils will need to be addressed through other mechanisms.
- The anticipated cost of a thorough investigation and cleanup of the Site exceeds the current capacities of the R10 removal program budget and statutory limits for removal actions.
- PRP has demonstrated a history of noncompliance and inability to pay for a remedial investigation and cleanup.

8

OTHER COMMUNITY INVOLVEMENT OPPORTUNITIES

- Community Involvement Plan (CIP)
 - Will be created for the TRCA and will persist during all actions involving the site.
 - Will provide opportunities for community interviews regarding how the community would like to be involved, how information can be shared, frequency of communication etc.
 - Updated on an as needed basis throughout the run of the site.
- Technical Assistance Grant (TAG)
 - Once the site is proposed for the NPL, community groups may apply for a TAG.
 - Initial grant of up to \$50K is available to hire a technical advisor to interpret and explain technical reports, site conditions, and EPA's proposed actions.
- Community meetings, as needed.

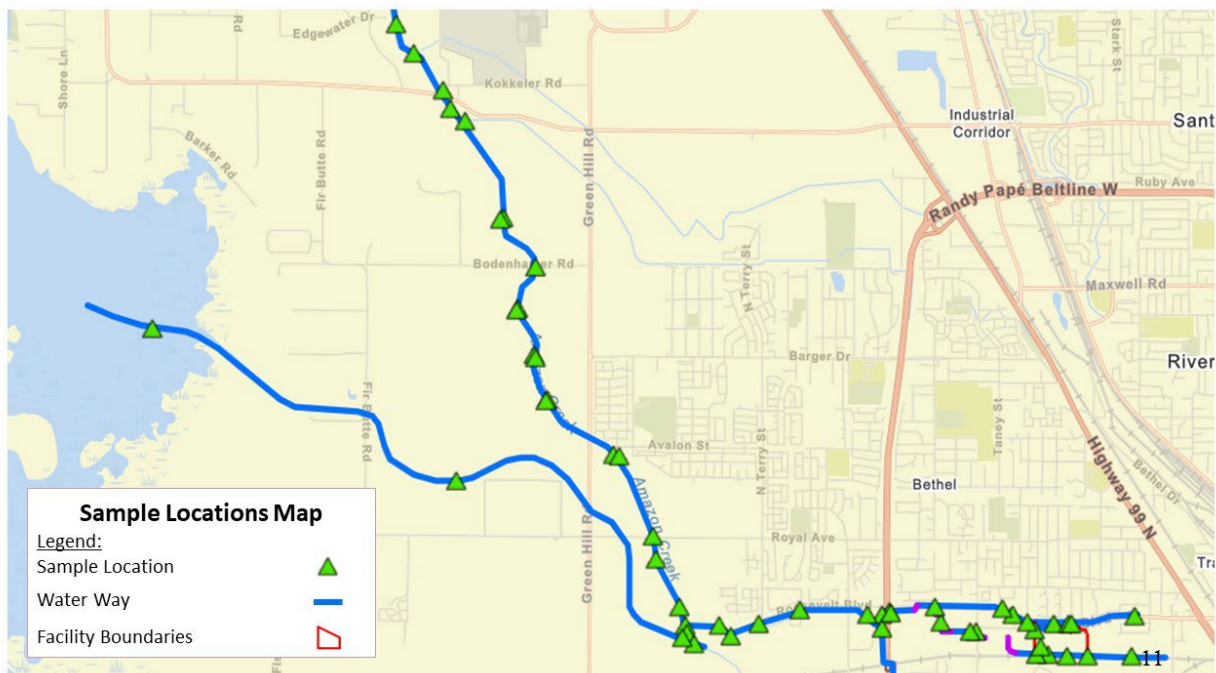
9

Coordination & Engagement on Issues Related to the JH Baxter Facility

SAMPLING PURPOSE AND APPROACH

- Purpose is to determine presence of contaminants potentially related to the site and suitability for potential NPL proposal.
 - Data is not intended to be used to make any exposure or risk-based determinations or be compared alongside results from previous sampling events.
 - Analyte list: Dioxins/Furans, Metals, Pesticides, PCBs, Volatile Organic Compounds (VOCs) and Semi-Volatile Organic Compounds (SVOCs).
 - EPA collected 28 soil samples from previously sampled yards and 12 soil samples from the facility.
 - Used EPA Removal Screening Levels as benchmarks for comparison.
 - EPA collected 52 sediment samples and 26 surface water samples to assess the surface water pathway draining away from the facility.
 - Used Oregon Risk Based Concentrations (RBCs) as a benchmark for comparison.
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10



SEDIMENTS RESULTS SUMMARY

Total number of down stream sediment samples collected= 52

Analyte	Oregon Sediment RBC	# of exceedances
2,3,7,8-TCDD	9 ng/kg	6
Arsenic	3 mg/kg	41
Chromium	37 mg/kg	15
Copper	36 mg/kg	30
Lead	35 mg/kg	19
Nickel	18 mg/kg	37
Zinc	123 mg/kg	43



RBC – Oregon Risk Based Concentrations
2,3,7,8-TCDD – 2,3,7,8-Tetrachlorodibenzo-p-dioxin

[\(More information on Oregon's RBCs\)](#)

12

GENERAL TRENDS AND TAKEAWAYS

- Contamination has been detected in soils sampled from the facility and residential properties north of the facility, and in surface water and sediment samples collected downstream from the facility.
- Contamination cannot be directly attributed to the J. H. Baxter facility at this time.
- While the Oregon RBCs are exceeded for sediment samples, these are general benchmark numbers and exceedances only indicates that additional investigations and risk evaluations may be needed.
- Exceedances are not high enough to warrant emergency actions under the removal program.
- The exceedances are one of the considerations for utilizing the Superfund remedial process at the site. Placing sites on the NPL allows for further studies and risk assessments to determine potential cleanup actions.

13

QUESTIONS?

