From:	Dale Feik
To:	CALDERA Stephanie
Cc:	HAMMOND Joni; Victoria Lowe
Subject:	Dale Feik EQC Public comment for Mar 15, 2016
Date:	Tuesday, March 15, 2016 08:40:25
Attachments:	Mary O Brian Lisa Arkin Eugene toxic program Op Ed Oregonian Mar 2 2016 O Brian quoted in Willamette Week article.docx Intel Willamette Weekly Color article by Matt Buckingham 1995.pdf

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To: Environmental Quality Commissioners **Via:** Stephanie Caldera, Administrative Assistant to EQC, 503-229-5301
Jane O'Keeffe, Chair
Ed Armstrong, Vice Chair
Morgan Rider
Colleen Johnson
Melinda Eden

Joni Hammond, Interim Director, DEQ

Cc: Victoria Lowe, Forest Grove City Councilor

From: Dale Feik
Date: March 15, 2016

Re: Things to consider while deciding Temporary rules for Glass coloring Factories & more input on hiring new DEQ Director

Mary O'Brian and Lisa Arkin wrote an Opinion Letter to the Editor that was published in the Oregonian March 2, 2016. Please read and consider the necessity of asking the lobbyist for DEQ, Palmer Mason, to lobby our State Legislators to repeal a law that was passed to prevent cities to adopt the kind of toxic chemical reporting that is required in Eugene. I have attached the Opinion letter and copied and pasted it below.

I have also attached the Willamette Week article written around 1995 that highly criticizes DEQ's authorizing 'Bubble Permits" to Intel. Those Bubble permits are still authorized. Mary O'Brien is quoted in that extensive article.

More input of hiring procedures of new, acting, interim, permanent DEQ Director. Victoria Lowe, Forest Grove City Councilor who made public comment March 14, 2016, forgot to mention during her comment time that another option would be for you to request that an experienced EPA Administrator be asked to serve as an Interim Director until you get the details worked out and get hired a permanent directory. Something to consider.

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http://www.oregonlive.com/opinion/index.ssf/2016/03/post_160.html
By Mary O'Brien and Lisa Arkin

It's important to know when you're being poisoned by industrial toxic discharges, whether to air, water or land. Some would even say you have a right to know. But how much you can know depends on good laws. Gaps and loopholes in federal and state regulations have allowed stained-glass manufacturing companies to pollute Portland residential neighborhoods with heavy metals without anyone knowing that extremely hazardous air pollutants were going into the air.

State officials stressed how "caught off-guard" they were when a U.S. Forest Service air monitoring study revealed very high levels of cadmium and arsenic in the air of several inner-city Portland neighborhoods. Thousands of people had been unknowingly exposed for decades.

In 1996, the citizens of Eugene amended their city constitution to make it everyone's right to know about even small amounts of toxic chemicals that local manufacturers are using and emitting. The businesses, of course, were already keeping careful track of their dollars coming in and going out. We were sure they could do the same for toxics. And now they do.

Each year, Eugene businesses using more than 50 pounds (5 pounds for extremely hazardous substances) of hazardous chemicals file a report with the fire marshal. The report covers chemicals federally listed in the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act. Accuracy is accomplished by requiring businesses to report the amount of chemicals brought onsite each year and where each toxic has gone — for instance into the air, water, stored on-site, trucked away as waste or incorporated into a product. Sensible and reliable, this reporting program is called the Community Toxics Right-to-Know law. The fire marshal's detailed report is filed online for public access, 24/7.

In 1999, under pressure from the Associated Oregon Industries, the Oregon Legislature voted to adopt onerous and complicated provisions making it virtually impossible for other communities to implement a community toxics right-to-know program. Oregon Gov. John Kitzhaber would have had the votes to uphold a veto; he didn't do so, ignoring the need to protect public health.

Fast forward to Portland in 2016. The Department of Environmental Quality (DEQ) indicates they knew that cadmium and arsenic were elevated in Portland's air prior to the Forest Service monitoring, but they didn't know where the emissions were coming from. That's because businesses do not currently have to report toxic discharges less than 10 tons per year. Under Eugene's system, chemical reporting is by the pound, not by the ton.

However, these smaller sources of toxics add up. Simply put, Portland's plumes of cadmium, arsenic and chromium went up in the air and fell right through an information and regulatory gap. The situation with glass manufacturers could just be the tip of the iceberg. If Bullseye Glass and Uroboros Glass were located in Eugene, the DEQ (and the public) would have immediately known all the sources locally emitting cadmium and arsenic. Everyone would have been able to track historical emissions trends, as well as determine whether other nearby polluters were adding to the problem. Knowing might mean the difference between a resident being exposed for a short time, or in the case of Portland neighborhoods, a very long time.

While the wheels of toxics regulatory reform turn extremely slowly if at all at the state and federal level, communities throughout Oregon could enact right-to-know laws within the next two years if Oregon's Legislature would take its foot off the communities' necks — and their lungs and children. All it has to do is allow Community Toxics Right-to-Know, based on Eugene's tried-and-true model. Reporting toxics in, toxics out. Posting the information on a website. It's that simple, and it's a heck of an incentive to stop using toxics unnecessarily, because everyone is watching.

Mary O'Brien, Ph.D., is Utah Forests Program Director with the Grand Canyon Trust and original author of the "Eugene Toxics Right-to-Know" charter language. Lisa Arkin is executive director of Beyond Toxics, a statewide environmental health and justice organization, and an appointed member of the Eugene Toxics Board.

At a previous EQC meeting I said that Hillsboro Air & Water (HAW) a project of Portland Clean Air (PCA) http://portlandcleanair.org/
spent 24 days over four days, digitally copying all of the simple, standard, Air Contaminate Discharge, and Title V Air Permits for all industries in Multnomah and Washington Counties that DEQ Air Staff pulled for Seth Woolley and me at the Lloyd Center DEQ file office.

Seth has posted those on our web site. Dave Monro said that he would like to have us share those digitally copied permits with him and the department of air quality. So I am doing that now even though Dave has resigned. I am copying this to Nina Deconcini who was, I believe, Dave's supervisor. At previous EQC meetings I encouraged you to get all written air and water permits on digital files for DEQ staff and the public. PCA/HAW is sharing this information with the public and you.

Please make it a very high priority for the new Director of DEQ to get an electronic data/permit system operating efficiently for DEQ staff and the public.

Seth also posted Portland Pollution Maps -- http://portlandcleanair.org/

Portland Air Pollution - What You Can Do
(DEQ data by Portland Clean Air)
Portland 2014 EPA Toxic Release Inventory
(EPA data by Portland Clean Air)
Portland Air Pollution Cancer Risk Maps
(DEQ, EPA data by Portland Clean Air)
Multnomah Lead, Arsenic, & Nickel Moss map
(Forest Service data by Oregonian)

I also attached a HAW Fact sheet and our first HAW Newsletter for your information.

Sincerely,

Dale Feik, Spokesperson for Hillsboro Air and Water (HAW)

Cc: Seth Woolley, PCA, Board Director and Media Contact
Greg Bourget, PCA, Executive Director, Researcher, and Volunteer Coordinator