

May 3, 2021

To:

Steve Dietrich, Executive Director, Lane Regional Air Protection Authority
Travis Knudsen, Public Affairs Manager, Lane Regional Air Protection Authority
Ali Mirzakhali, Administrator, Air Quality Division, Oregon DEQ
Keith Johnson, Cleaner Air Oregon Program Manager, Oregon DEQ

Subject: JH Baxter and Cleaner Air Oregon

The purpose of this letter is to express long-standing community concerns over JH Baxter's air, water and soil pollution and business conduct and to request early community engagement in the process by which regulatory agencies hold this facility accountable to state and federal air toxics regulations.

JH Baxter has a long history of contaminating the air, water, and soil of surrounding residential neighborhood. The DEQ assigned JH Baxter a Significant Non-Complier status as far back as 2011, a decade ago. The recent hazardous waste violations uncovered by the Oregon DEQ resulting in fines over \$223,000 serve to further underscore the hazardous operations and practices intentionally carried out at the JH Baxter facility. In addition, the DEQ has identified JH Baxter as the most likely source of recently detected dioxin soil residues and Pentachlorophenol (PCP) in local ground water. The LRAPA air monitoring station in West Eugene recorded an exceedingly high naphthalene spike in early October 2019 coinciding with alleged air quality violations for which LRAPA issued a Notice of Violation and Notice of Civil Penalty Assessment of \$8,000 (subsequently reduced to \$4,000).

JH Baxter has been called into Cleaner Air Oregon (CAO) as one of Oregon's top tier industrial polluters. All facilities regulated under CAO are required to conduct a risk assessment and engage with the impacted community when health risks exceed certain levels.

Residents near the JH Baxter facility have filed thousands of complaints about the facility's air emissions over the years. Neighbors continue to be affected. Neighbors living near the facility contend that JH Baxter's history of air, soil and ground water pollution emitted into surrounding neighborhoods necessitates community engagement from the start of the CAO assessment and permit process. The recurrent history of JH Baxter's non-compliance with the requirements of their pollution permits combined with years of community complaints are ample reasons to suspect harm to the public's health and welfare. For this reason, community members request that a Community Engagement process be developed from the beginning of the CAO call-in for JH Baxter. We believe that Community Engagement need not wait. LRAPA would best serve the agency's mission by engaging and building a formal relationship with impacted community members as soon as possible

Community engagement is at the heart of Cleaner Air Oregon. Recommendations in the draft CAO Community Engagement Toolkit guide the DEQ and LRAPA to "engage the public through sharing clear and accurate information, consultation, and involvement with decision-making. Among the purposes of community engagement is more informed decision-making and mutual benefits" (p. 4). The affected community must be included in the CAO process from the start, especially as JH Baxter develops their emissions inventory and decisions are made about source testing.

For far too long, West Eugene residents have felt discouraged and silenced by the inaction of LRAPA. Initiating a Community Engagement process now would rebuild confidence and trust in LRAPA as well as establish better understanding of community experiences and local conditions. It would also raise community awareness and deeper understanding of air quality issues and health risks. We want to acknowledge that since LRAPA employed Travis Knudsen as Public Affairs Manager, community outreach has significantly

improved. And more can be done. We request a meeting with the Director and key staff at LRAPA and the DEQ Cleaner Air Oregon leadership to initiate a Community Engagement process as soon as possible.

The undersigned concerned community members thank you for your consideration and we look forward to a prompt response.

Sincerely,

Arjorie Arberry-Baribeault, Environmental Justice Community Organizer for West Eugene, Beyond Toxics

Lisa Arkin, Executive Director, Beyond Toxics

Lin Woodrich, Chair Active Bethel Community

Ali AAsum

Andrea DiPalma

Carol Lafon

Christina Wilkins

Courtney Allen

James Hugo

Jeremy AAsum

Josefina Cano

Kate Evans

Kayla Godowa-Tufti

Kenneth Clark

Mallory Roberts

Ryan Josef-Maier

Sandra O'Keefe

Suzanne (last name not provided)

Tita P. Huddleston

Cc:

Mayor Lucy Vinis

Councilor Matt Keating, Ward 2 and City Council Representative to LRAPA

Councilor Greg Evans, Ward 6

Councilor Claire Syrett, Ward 7

Councilor Randy Groves, Ward 8