



June 3, 2014

**MEMORANDUM**

**TO:** Swan Island-North Portland Air Quality Forum

**FROM:** Debra Nudelman and Taran Nadler, Kearns & West on Behalf of Oregon Consensus

**SUBJECT:** Swan Island-North Portland Air Quality Forum Meeting – June 3<sup>rd</sup> Meeting Summary

Thank you for your participation and effort in the Swan Island-North Portland Air Quality Forum (the Forum) meeting held on June 3<sup>rd</sup>, 2014 at the Historic Kenton Firehouse, Portland, OR. This memo includes upcoming meeting dates, agreed-upon action items and a brief meeting summary.

Upcoming Project Team Meeting Dates	Who	Location
<ul style="list-style-type: none"> <li>TBD</li> </ul>	Project Team	TBD

Upcoming Forum Meeting Dates	Who	Location
<ul style="list-style-type: none"> <li>Wednesday, August 12, 2014; 9:00 am – 12:00 noon</li> </ul>	Forum Members	Kenton Firehouse
<ul style="list-style-type: none"> <li>Tuesday, October 14, 2014 8:00 – 11:00 am</li> </ul>	Forum Members	Kenton Firehouse
<ul style="list-style-type: none"> <li>Wednesday, December 3, 2014 3:00 – 6:00 pm</li> </ul>	Forum Members	TBD

Action Items	Who	When
1. <u>Information Follow-up</u> <ul style="list-style-type: none"> <li>Develop and distribute action items memo</li> </ul>	Kearns & West (K&W) to Group	By cob, 6/20
<ul style="list-style-type: none"> <li>Distribute Air Quality workshop agenda</li> </ul>	Aubrey Baldwin, Earthrise Law Center and K&W to group	Completed

Action Items	Who	When
2. <u>Timeline</u> <ul style="list-style-type: none"> <li>Schedule a meeting for the Project Team; develop upcoming meeting topics and meeting schedule</li> <li>Schedule out every other month project team meetings for the 2014 calendar year</li> </ul>	K&W and Project Team  K&W	By cob, 6/20  After consulting with Project Team
3. <u>Background Materials</u> <ul style="list-style-type: none"> <li>Presenters send printed materials to Kearns &amp; West for distribution and posting to OC website</li> </ul>	Mary Peveto, Neighbors for Clean Air and Christine Svetkovich, DEQ	Completed
4. <u>DEQ Information Sharing Tasks</u> <ul style="list-style-type: none"> <li>Post the full toxics list for the monitoring program to the DEQ website</li> </ul>	Christine Svetkovich	Completed
5. <u>Follow-up Tasks From Presentations</u> <ul style="list-style-type: none"> <li>Distribute Neighbors for Clean Air PowerPoint presentation</li> </ul>	Mary Peveto, Neighbors for Clean Air and K&W to group	Completed
6. <u>Project Team Tasks</u> <ul style="list-style-type: none"> <li>Prepare topic</li> <li>Ask for email ideas for actions – build a short, medium, long term actions matrix</li> <li>Specific suggestions</li> <li>Define the Problem</li> </ul>	Project Team  Project Team  Project Team  Project Team	Next Project Team meeting  Next Project Team meeting  Next Project Team meeting  Next Project Team meeting

Meeting Documents
<ul style="list-style-type: none"> <li>Proposed Agenda</li> <li>May 2<sup>nd</sup> Meeting Summary</li> <li>North Portland Air Quality Map (Mary Peveto)</li> <li>Presentation: (Mary Peveto)</li> <li>Presentation: Portland Air Toxics Solutions (PATS) Overview</li> <li>Links: <a href="http://www.deq.state.or.us/aq/toxics/patsmaps.htm">www.deq.state.or.us/aq/toxics/patsmaps.htm</a>, <a href="http://www.deq.state.or.us/aq/planning/patsreport.htm">www.deq.state.or.us/aq/planning/patsreport.htm</a>, and <a href="http://www.oregon.gov/deq/AQ/Pages/monitoring/NPaqmonitoring.aspx">http://www.oregon.gov/deq/AQ/Pages/monitoring/NPaqmonitoring.aspx</a></li> </ul> <p><i>Copies of documents can be obtained by contacting Kearns &amp; West or by visiting the Oregon Solutions website at <a href="http://oregonconsensus.org/projects/swan_island_air_quality_forum/">http://oregonconsensus.org/projects/swan_island_air_quality_forum/</a></i></p>

### Bin List/Upcoming Meeting Topics

- Other environmental side effects of potential solutions for reducing air toxins and nuisance odors?
- Identifying small steps that will help build credibility
- How can other companies be brought in which could also be contributing to the problem?
- How can a balance be struck between allowing the industrial sanctuaries created in Portland to continue functioning and dealing with the problems of odors and toxins being emitted by them?
- Bring correlated information with zip codes off of the complaints with odor.
- Common interest: strive for objective indicators of a connection between odor and source
- Bring in experts with information on non-cancer risk (i.e., VOC's, asthma and other respiratory problems) –Oregon Health Authority Environmental Health staff or others
- Air quality issues – addressing both nuisance odors and toxic odors important to neighbors; need to do both, and decide what to do about it/how to integrate topic into the Forum:
  - Work practices
  - Pollution control
  - Time of day/weather
  - How to integrate into forum
- Strive for clarity with a correlation between odors, toxics, permits and facilities in relationship to areas
- How to strive for verified data to better know what is happening?
- What does Daimler want out of the process to engage in reduction actions?
- Understand what is already being done by companies, what are the current controls in place? What are the requirements and why?

### List of Attendees:

Member	Affiliation
Sarah Angell	Swan Island Business Association
David Breen	Port of Portland
Councilor Sam Chase~	Metro
David Goodyke	Landscape Architect
Heather Hoell	Venture Portland
Speaker Tina Kotek~	Oregon State Legislature
Brian Mannion	Vigor Industrial
Sue MacMillan	DEQ
Dwain Panian	IAM local 1005
Mary Peveto	Neighbors for Clean Air
Jessica Reichers	DEQ
Alex Santana	University Park Neighborhood Association
Stacey Schroeder	North Portland Air Quality University Park Neighborhood
Alan Sprott	Vigor Industrial
Christine Svetkovich	Department of Environmental Quality
David Trebing	Daimler Trucks North America

~Conveners

**Interested Parties:** Leslie Lum (North Portland District Planning), Linda Nakashima (Neighbors for Clean Air), Chris Brandt (Neighbor), Sean Moultrie (Neighbor), Lisa Manning (Neighbor), Dennis Polikuha (Neighbor), Stephanie McBride (Neighbor), Donna Daniel (Occupy St. Johns),

Mathew Cusma (Schnitzer Steel), Jennifer Hudson (Schnitzer Steel), Lisa Timmerman (Port of Portland), Andee Short (House Speaker Tina Kotek), Paul Erdy (Daimler), Sylvi Dzegege (Eyelevel Inc.), Penny Meiners (Neighbor), Emily Ordas (Neighbor)

**Kearns & West Facilitation Team:** Deb Nudelman & Taran Nadler

**Speakers:** Mary Peveto (Neighbors for Clean Air), Aubrey Baldwin (Earthrise Law Center), John Krallman, (Neighbors for Clean Air), Jessica Reichers (DEQ), Sarah Armitage (DEQ)

## Meeting Notes

### Welcome, Introductions, Purpose and Agenda

Speaker Kotek welcomed the group and opened the meeting.

Deb Nudelman reviewed the agenda. She said that the project team emphasized on the last call giving time for everyone to talk to each other. First the group will share information and then it is important to reserve the rest of today for dialogue. The dialogue portion can be called “what is the glue” section. Looking at what the group wants to work on together, and what are some issues the group wants to agree on, what would it mean to follow the statement of joint cooperation?

Councilor Chase then acknowledged the work being put into the collaboration effort by everyone. Councilor Chase next gave two updates; he asked the group to provide comments during the comment period for Metro’s regional transportation plan, and discussed engagement with the City of Portland around the Swan Island collaboration.

Speaker Kotek noted that there would be an all-day session on air quality in the Portland metro area on Friday, June 6<sup>th</sup> and encouraged everyone to attend and participate.

### Air Quality, Odors and Toxics

Mary Peveto, co-founder of Neighbors for Clean Air, introduced a presentation on neighborhood perspectives and experiences with air emissions from Swan Island businesses. She specified that the community is a large and difficult entity to speak for, but that their presence was driven by community impetus and it is that impetus she would represent for the meeting. She said that there are many people engaged in this process and many people that they are representing, which live in North Portland and call it home.

Key discussion points based on the presentation are included below:

- History of the neighbors’ interactions with Daimler from Oct. 2011 – to Oct. 2013 including Daimler odor testing, neighbors’ agreement with ESCO and the passage of Daimler’s permit.
- Community’s expectation and hope that the collaborative process would address specific issues not addressed by the original permitting process.
- Pros and cons of the collaborative process. Positively, brings in key decision makers in a comprehensive, efficient approach that could be a model for future engagement outside of regulatory pathways. Negatively, consensus is difficult to reach around the definition of the problem, and the highly technical nature of the topic.
- Overview of Neighbors for Clean Air’s community survey on odors.

- Aubrey Baldwin, professor at the Earthrise Law Center, gave a presentation on the legal definition and regulation of nuisance.
- John Krallman, member of Neighbors for Clean Air, presented a response to technical data aspects of Daimler's presentation from the prior meeting.

Mary Peveto ended the presentation with several reflections. She acknowledged that Daimler and Vigor took significant steps to address environmental concerns and air quality. Mary also expressed concern that the community lacked an understanding for why Daimler has not taken other steps. She further mentioned that the community feels like the attitude brought by Daimler to the process has not been as collaborative as was hoped for.

Questions from the group included the following:

- Might it be more valuable to think about a cluster of problems rather than a single problem that has to be defined?
- Can a nuisance claim be submitted if a company is under its permit requirement? *Yes, even if they are under the emissions requirements creating a nuisance can also be determined to be a violation of the permit.*
- How does the DEQ nuisance process work? *There is a recently finalized strategy document to guide DEQ through the steps when they get odor complaints. Ten complaints from ten different individuals over 60 days regarding odors that reoccur in the same general area is the initial threshold for DEQ to conduct an odor investigation. DEQ's Nuisance Odor Strategy can be found at: <http://www.oregon.gov/deq/Pages/Nuisance-Strategy.aspx>*
- Process as a model? *Could create a safe place for engagement that allows communities and regulated facilities to work together, build trust, and find common ground. If this plays out in a positive way then more people may choose this type of collaborative process. As an OR solutions project, there are staff from the governor here, looking at ways for levels of engagement on very complicated topics. There are other ways to deal with these issues, regulatory, lawsuits. If people want to figure out to do this on a common sense basis this process can be a model for the state.*
- How can other companies be brought in which could also be contributing to the problem?
- Speaker Kotek thanked both Daimler and Vigor for their efforts and noted that if North Portland can figure out their issues then the rest of Portland may follow suit.
- Geothermal oxidizer side effects?
- How can Daimler communicate what they have done to help the process?

### **Building the Air Quality Forum Workplan**

Deb welcomed the group back and opened the floor for discussion. She asked the group to answer the question "if we could accomplish one thing out of this process, what would it be?" Members of the group responded with the following answers:

- Define what it takes to trust one another.
- What is the message out to community; what can it be and what can be done?
- Develop a model of engagement which is productive, constructive and creates good will.
- Define process of how to get to potential outcomes; strive for list of options to implement.
- An effective, productive model of predictable outcomes for business and community to be able to adapt and apply in other communities.
- Trust and validation of community experience, open and transparent process of analysis.
- New transparency of industry coupled with community engagement; mechanism is an opportunity to adjust when problems exist.

- Trust, and goal to reduce emissions, odors and toxics with agreed upon agenda and a menu of solutions with timelines.
- A cohesive group to engage industry with objective outcomes; reduction of air toxics and nuisance odors in North Portland / Swan Island – predictable process outcomes leading to satisfaction.
- Small steps to build trust between community and Daimler; spirit of goodwill.
- Identify hard emissions beyond permit that will be regulated in specific expansion beyond requirements; more aggressive outcomes.

Questions from the group included the following:

- How can we recognize and allow the industrial sanctuaries created in Portland to continue functioning while dealing with the problem of odors and toxins coming out of them?
- What are the costs of monitoring different solutions? *Part of that answer lies in the transparency of the process and letting the community see and be aware of those different costs. There are also different types of costs, to health and livability as well as monetary.*
- What does establishing trust look like? *For the community, if Daimler could make the statement that they understand that citizens smell paint on the bluff, and that there is a probability that they contribute to it, that would establish trust.*

Deb wished for more time so that the group could come up with short, medium and long term actions for what they want to happen. Deb also explained that trust comes from conversation, getting to know people, and also from people taking baby steps and seeing whether people walk the walk. Deb then asked the group to consider what would be the first steps the group could take together. She then thanked the group for their discussion and noted that it would help prepare them for the next meeting.

### **Swan Island Air Toxics Monitoring Update**

Jessica Reichers, Air Quality Monitoring Manager for DEQ, provided an update on the Air Quality Monitoring Program. The monitoring will be conducted for 12 months, and the data will take approximately 6 months to process. She indicated that the entire list of toxic pollutants that will be monitored for is available on the DEQ website.

Questions from the group included the following:

- Total length of time of the process? *Will finish around March – June of 2016.*
- Will the modeling data be compared to the past data? *Yes, comparisons will be done.*
- Why not Overlook neighborhood? *Not a perfect scenario but the monitor is planned to be placed where there was the highest concentration of odor complaints are.*
- Will data from other monitors be posted on the website? *Yes.*

### **Upcoming Meetings, Next Step Tasks and Summary**

Deb wrapped up the meeting. Deb explained that the Forum discussion and next steps will be captured in the meeting summary, and will help queue up topics for the next meeting. She encouraged the group to think about the small steps they could take together which would work towards bridging and building credibility. Speaker Kotek and Councilor Chase thanked the group for their hard work and closed the meeting.