



Toxic Polluters

Eugene City Council Work Session
May 23, 2022

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Overview

- Purpose
- General Background
- Review of Pollutants
- Review of City Role and Tools
- Upcoming Council Work Sessions

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Purpose

- In response to Work Session poll
- “Determine how the City Council and staff can more effectively address toxic polluters...what tools could be created to better protect our community”
- Review City’s current role
- Starting point for more in-depth conversations

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General Background

- Chronic Pollution
- Four major types of pollutants
 - Air
 - Water
 - Land
 - Noise (vibration)
- Regulatory context
- City role
- Tools

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Air Pollution

- Lead Regulator – LRAPA (delegated by DEQ)
- Issues of Concern
 - Particulate matter
 - Ozone
 - Industrial uses



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Air Pollution

- Primary City Nexus
 - LRAPA board positions
 - Zoning and land use
- Other Tools
 - Toxics Right-to-Know Program/Toxics Board
 - Inspections
 - Community members
 - Filters, education/information



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Water Pollution

- Lead Regulator – Oregon DEQ
- Issues of Concern
 - Drinking water
 - Surface water
 - Groundwater
 - Non-point sources (zinc, fertilizers)



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Water Pollution

- Primary City Nexus
 - Wastewater Program
 - Stormwater Program
 - Zoning and land use
 - Storage tanks
- Other Tools
 - Monitoring
 - Lobbying



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Land Pollution

- Lead Regulator – Oregon DEQ
- Issues of Concern
 - Solid waste
 - Hazardous waste
 - Transportation of materials
 - Soil contamination



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Land Pollution

- Primary City Nexus
 - Emergency management plan/response
 - Toxics inventory/information
 - Zoning and land use
- Other Tools
 - Risk bonds/insurance



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Noise Pollution (including vibration)

- Lead Regulator – City of Eugene
- Issues of Concern
 - Noise
 - Vibration



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Noise Pollution (including vibration)

- Primary City Nexus
 - Eugene Code
 - Clear Lake Overlay Zone
- Other Tools
 - Noise ordinance
 - Regulate uses
 - Increase complaint response, enforcement



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Vibration – City of Eugene

- Clear Lake Overlay Zone (EC 9.4165(3)(b))
 - Uses are operated so that any **generated ground vibrations** – continuous or recurrent – will not be perceptible, without instruments, at any point along the property boundary within which the proposed use is located.
- City of Eugene Code (EC 6.750(g))
 - Commercial and industrial noise. Operating any equipment...so as to create any noise which would cause the maximum noise level to exceed a one-hour equivalent **sound pressure level of 60 dBA** at any point on the property line of an affected residential property zoned R-1, R-2, R-3 or R-4.

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Vibration – State of Oregon

- State statutes and rules for industry that address noise
 - Decibels
 - Octave bands
 - Hertz
- DEQ Noise Control Program was terminated in 1991
- Statutes and rules remain in force

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Vibration – State of Oregon

- State-Cited Enforcement Options
 - Enact or enforce the State standards
 - Adopt own standards if meet or exceed
 - Private citizen bring nuisance suit (private counsel)
 - Local government submit evidence to local District Attorney

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Review of Current City Role

- Air – LRAPA lead regulator
 - City positions on LRAPA board
 - Land use/zoning
- Water – DEQ lead regulator
 - City is also regulator and regulated
 - Stormwater/wastewater programs
- Land – DEQ lead regulator
 - Response and information
- Noise – City lead regulator (code)

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Review of City Role

- Existing Policies, Programs, Authority
 - LRAPA Board
 - Toxics Right-to-Know Program
 - Zoning and land use
 - Plans and permits
 - Monitoring
 - Information and Education
 - Lobbying and advocacy
- New Tools
 - Noise code updates - vibration
 - Risk bonds/insurance



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Upcoming Council Work Sessions

- Public Health Overlay Zone (July 25)
- Fossil Fuel Risk Bonds (Fall)
- Gas Stations (TBD)
- Fireworks (TBD)

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Questions & Discussion



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