

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Delegating Authority for Removal of Hazardous Substances and Updating Tracking Instructions to City Manager

Meeting Date: February 23, 2015
Department: Fire
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Jo Eppli
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ISSUE STATEMENT

As a housekeeping revision for routine changes to ensure primary components of the Eugene Toxics Right-to-Know Program remain current with the associated regulatory programs at the Federal, National and State levels, and to continue efforts to streamline processes, the attached ordinance proposes code amendments to Chapter 3 delegating authority to the City Manager to remove chemicals from program's List of Reportable Chemicals and to update the Hazardous Substance Tracking Instructions.

BACKGROUND

The Eugene Toxics Right-to-Know Program was created in 1996 by an amendment to the Eugene Charter that requires certain businesses to provide information to the public concerning the use and disposition of federally listed hazardous substances. The Charter Amendment provides in part, that hazardous substance users in Eugene shall file an annual materials balance report that lists inputs and outputs of all hazardous substances obtained, used or generated.

The Charter Amendment sets forth the lists containing the reportable chemicals. Currently, the City Code authorizes the City Manager to *add* a chemical to the reportable chemical lists, but the City Council must take action to *remove* a chemical from the lists.

Even though not required by the Charter Amendment or City Code, to assist businesses with the annual reporting process, the City provides guidance to reporting businesses with a handbook entitled *Hazardous Substance Tracking Instructions*. Beginning in 1998, the City Council has adopted the Hazardous Substance Tracking Instructions via Ordinance. The City Council last adopted the Hazardous Substance Tracking Instructions by Ordinance No. 20518 on October 28, 2013.

In a continued effort to minimize the financial impact of the program on industry, Toxics Program staff have been working with the Toxics Board to streamline processes for the Eugene Toxics Right-to-Know Program and reduce the amount of staff time spent managing the program. Delegating to the City Manager authority to remove chemicals from the program's List of

Reportable Chemicals (if removal is recommended by the Toxics Board) and authority to adopt amendments to the Hazardous Substance Tracking Instructions are two ways to reduce the overall cost of managing the Toxics Program.

RELATED CITY POLICIES

The Eugene Toxics Right-to-Know Program relates to the following Eugene City Council Goals and Outcomes: Safe Community; Sustainable Development; and Effective, Accountable Municipal Government.

The Toxics Board provides policy direction on the Eugene Toxics Right-to-Know Program, and serves as an advisory board to the City Council, working under the Eugene City Charter Section 54 (Amendment IV).

Section 54, Article III of the City Charter provides in part as follows:

- A. If a substance is added to or removed from the federal list of reportable substances under section 302 of 42 USC 11002, the Toxics Board may recommend to the City Council that the substance be added or removed from the definition of “extremely hazardous substance” in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.
- E.5 If a substance is added to or removed from the lists described in Article III, Section 3 E.1. or E.4 of this Section, the Toxics Board may recommend to the city council that the substance be added to or removed from the definition of “hazardous substance” in this Section. The council may remove a substance from the definition only if the Toxics Board has recommended its removal.

Section 54, Article X of the Charter Amendment provides in part as follows:

The City Council shall, upon recommendation of the Toxics Board and without unreasonable delay, enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Amendment.

Section 3.696 of the City Code provides guidance for the addition of chemicals to the Eugene Toxics Right-to-Know Program’s Hazardous Substances List and changes to reporting and accounting thresholds.

COUNCIL OPTIONS

1. Act on the Ordinance.
2. Postpone action on the Ordinance.
3. Provide other direction.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the Mayor and City Council take action on the Ordinance.

SUGGESTED MOTION

Move to adopt an ordinance concerning delegating authority to the City Manager for removal of chemicals from the hazardous substances list and updating tracking instructions.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

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