



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 20, 2015

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of May 20, 2015;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

- 12:00 p.m. A. **WORK SESSION:
City and Lane Regional Air Protection Agency Partnership**
- 12:45 p.m. B. **WORK SESSION:
Healthy Downtown/Public Smoking**

**time approximate*

with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

[visit us online at www.eugene-or.gov](http://www.eugene-or.gov)

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: City and Lane Regional Air Protection Agency Partnership

Meeting Date: May 20, 2015
 Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Sarah Medary
 Contact Telephone Number: 541-682-8817

ISSUE STATEMENT

The City Council requested a work session with Lane Regional Air Protection Agency (LRAPA) to discuss and more fully understand the City and LRAPA's partnership and roles with regard to demolition and the prevention of airborne dusts.

BACKGROUND

The Lane Regional Air Protection Agency was created in 1968 to achieve and maintain clean air in Lane County, Oregon, in a manner consistent with local priorities and goals. With the support of its member entities, which include Lane County and the cities of Eugene, Springfield, Cottage Grove and Oakridge, LRAPA carries out its mission to protect and enhance air quality through a combination of regulatory and non-regulatory programs and activities.

The agency plays an active role in community development and planning, and works collectively with the City of Eugene and other local governments to help achieve federal Clean Air Act goals and objectives. In addition to regulating asbestos abatement work, LRAPA also regulates dust created by demolition. The agency's director, Merlyn Hough, will join the council for this work session to discuss LRAPA's role and work related to demolition and airborne dust.

Based on council direction at the November 24 work session, staff moved forward with the recommendations to improve practices related to safe demolition in the City of Eugene.

Administrative rules (Admin Order 53-15-01-F) were updated to:

- Restrict demolition when winds exceed 25 mph;
- Require notice to properties adjacent to the demolition site; and
- Prohibit demolition by implosion without a special permit to address health and livability.

These rules went into effect on March 27, 2015. Staff are also developing a practical guide for industry stakeholders and the public that provides an overview of local demolition regulations and related agencies, best practices, and resources to support safe and well-managed sites.

RELATED CITY POLICIES

Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.

Eugene Code

- Eugene Code 8.005(10) - establishes permit requirement for building demolition.
- Administrative Rule R-8.005-B (11) - establishes requirements under a demolition permit.

COUNCIL OPTIONS

This is an informational work session.

CITY MANAGER'S RECOMMENDATION

This is an informational work session. No recommendation is proposed at this time.

SUGGESTED MOTION

This is an informational work session. No motion is proposed at this time.

ATTACHMENTS

- A. LRAPA Director's Report for April 2015
- B. LRAPA Dashboard Report for April 2015

FOR MORE INFORMATION

Staff Contact: Sarah Medary
Telephone: 541-682-8817
Staff E-Mail: sarah.j.medary@ci.eugene.or.us



**LRAPA BOARD OF DIRECTORS
AGENDA ITEM SUMMARY**

Director’s Report for April 2015

Meeting Date: May 14, 2015
Department: Director’s Office
www.lrapa.org

Agenda Item No. 6
Staff Contact: Merlyn Hough, Director
Contact Telephone: (541) 736-1056 Ext. 216

AIR QUALITY

Eugene-Springfield

Air quality in April was in the good category on all 30 days, with a high AQI of 40 for particulate matter (PM) on April 20th.

Oakridge

Air quality in April was in the good category on all 30 days, with a high AQI of 38 for particulate matter (PM) on April 23rd.

Cottage Grove

Air quality in April was in the good category on all 30 days, with a high AQI of 35 for particulate matter (PM) on April 18th.

Attachment No. 1: Air quality index charts for Eugene/Springfield (April)

Attachment No. 2: Air quality index charts for Oakridge (April)

Attachment No. 3: Air quality index charts for Cottage Grove (April)

COMPLAINTS: 04/01/15 to 04/30/15

TOTAL: 48

1. Smoke – **35** total smoke complaints: 27 for open burning and 6 for home-wood heating, 2 for slash burning.
2. Industry – **4** total odor complaints: 1 for JH Baxter; 1 for Seneca Sustainable Energy; 1 for Halsey Mill and 1 for International Paper.
3. Fugitive Dust – **1** total fugitive dust complain:
4. Miscellaneous – **8** total miscellaneous complaints: 5 general air quality complaints; 2 auto body and 1 unknown.

For perspective, here is how the number of complaints received year-to-date in 2015 compares to previous years:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015*
Dust	17	35	33	6	21	21	34	33	44	30	14	3
Ag/Field Burning	103	330	576	341	101	24	9	13	1	17	4	2
General Air Quality	2	8	7	63	14	21	2	6	6	26	30	5
Home Wood Heating	82	80	89	82	130	113	62	135	95	219	121	126
Industry	880	768	465	327	231	270	265	169	128	122	127	19
Open Burning	163	179	169	390	293	277	268	341	268	321	279	115
Slash Burning	8	31	41	33	25	3	5	16	7	5	7	5
Miscellaneous	66	75	95	109	137	61	77	101	79	52	57	25
Unknown	110	97	105	124	59	25	12	25	17	14	35	13
Total	1525	1719	1643	1496	1011	815	734	839	645	806	674	313

* Year-to-date.

OPEN BURNING LETTER PERMITS: 04/01/15 -- 04/30/15

There were no Special Letter Permits issued in April.

ENFORCEMENT: 04/01/15 to 04/30/15

Category of Violation	New	Follow-Up Action	Pending	Closed	Total
Asbestos	1	-	4	-	5
Industrial	1	-	2	-	3
Open Burning	1	1	9	6	17
Fugitive Dust	-	-	-	-	-
Home-Wood Heating	-	-	2	-	2
Totals	3	1	17	6	27

Attachment No. 4: Enforcement activities during these reporting periods for case details.

For perspective, here is how the number of enforcement actions year-to-date in 2015 compares to previous years:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015*
Notices of Non-compliance and Warnings	52	55	51	48	57	37	57	64	41	51	36	17
Notices of Violation with Civil Penalties	31	39	33	47	36	28	39	42	29	23	28	13

* Year-to-date.

ASBESTOS ABATEMENT

During April, LRAPA received 37 notices of asbestos removal projects, none of which were schools.

For perspective, here is how the number of asbestos abatement notices filed, how many were schools and the number of notices inspected year-to-date in 2015 compares to previous years:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015*
Total Asbestos Abatement Notices	372	453	449	413	396	408	370	359	324	351	352	135
School Asbestos Abatement Notices (NESHAP)	28	41	54	67	69	64	70	61	53	24	21	1
Number of Asbestos Abatements Inspected	84	70	75	85	76	119	107	106	90	96	67	25

* Year-to-date.

PERMITTING (TITLE V and ACDP): 04/01/15 to 04/30/15

LRAPA currently permits 18 Title V sources and approximately 300 Air Contaminant Discharge Permits (ACDP). Below are the total numbers of permit activities that are new, renewals, modifications, construction approvals, registration application's, terminated and/or issued permits the operations staff currently have in process.

Category of Permit	Title V	ACDP	Registrations	Totals
New	-	5	-	5
Renewals	6	14	-	20
Modifications	1	10	-	11
Constructions	-	-	-	-
Registrations	-	-	-	-
Terminated Permits	-	4	-	4
Issued Permits	2	13	-	15
Totals	9	46	-	55

UPDATE ON SOME NATIONAL ISSUES OF LRAPA INTEREST

The National Association of Clean Air Agencies (NACAA, the organization of state and local air directors) publishes a *Washington Update* every Friday. The following excerpts relate to some national issues reported since the April 2015 LRAPA Board meeting, and that may be of interest to the LRAPA Board of Directors and other readers of this Director's Report. I organized the updates under the topics of:

- Residential Woodsmoke and Particulate Matter Strategies;
- Cleaner Fuels and Cleaner Vehicles;
- Air Toxics;
- Ozone and Carbon Monoxide Health Standards;
- Federal-State-Local Partnerships and National Air Grant Funding; and
- Energy Policies and Climate Change.

Residential Woodsmoke and Particulate Matter Strategies

EPA Administrator Testifies at Senate Appropriations Hearing (April 29, 2015) – EPA Administrator Gina McCarthy testified before the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies regarding the Administration's FY 2016 budget request for EPA. The Administrator defended the President's budget, which includes a total of \$8.6 billion for EPA and \$268.2 million in grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act. Administrator McCarthy highlighted the funds recommended to address climate change and improve air quality, totaling \$1.1 billion, as well as the \$4 billion Clean

Power Incentive Fund, which is outside of EPA's budget, but would support state efforts to reduce carbon emissions from the power sector. Several members of the subcommittee – including Senate Majority Leader Mitch McConnell (R-KY) and the Subcommittee Chair Senator Lisa Murkowski (R-AK) – strongly criticized EPA's proposed Clean Power Plan regulations and the expected impact on the coal industry. McCarthy also fielded questions about the agency's recent standards to address wood-burning stoves and agreed to look into a possible wood-stove trade-in program recommended by Senator Patrick Leahy (D-VT). For further information:

<http://www.appropriations.senate.gov/hearings-and-testimony/interior-subcommittee-hearing-review-fy2016-epa-budget>

NACAA Holds Spring Membership Meeting (April 27-29, 2015) – Over 110 local, state and federal air quality officials gathered in Providence, Rhode Island for NACAA's 2015 Spring Membership Meeting. Highlights of the meeting included an open discussion with EPA Acting Assistant Administrator Janet McCabe; in-depth focus on implementation of the ozone and sulfur dioxide National Ambient Air Quality Standards; a review of tools and resources related to 111(d) to assist state and local air agencies; the Executive Director's report summarizing major legislative and regulatory issues and NACAA initiatives; and sessions on addressing the SIP backlog and processing 111(d) state plans, interstate transport (eastern and western), environmental justice, advances in electric vehicles, Next Generation Compliance and local air pollution issues. In addition, the association honored Arturo Blanco, former NACAA Co-President and Training Committee Co-Chair, who has left his position as Houston's air director to become Director of Environmental Justice and Tribal Affairs for EPA Region 6. The NACAA Spring Meeting was followed by a Wednesday afternoon NESCAUM-WESTAR-NACAA Workshop on Accelerating the Retirement of Old Wood-Burning Devices, in which 35 air officials took part. Presentations from the NACAA Spring Meeting are available on Air Web; presentations from the workshop will be available there shortly. For further information: <http://www.4cleanair.org>

ALA Publishes *State of the Air 2015* (April 29, 2015) – The American Lung Association (ALA) released *State of the Air 2015*, its annual "national report card" in which the organization grades and ranks air quality in cities and counties across the country. In this, its sixteenth such report, ALA used ozone and particulate matter (PM) air quality monitoring data for 2011, 2012 and 2013 to calculate the average numbers of "unhealthy days" for ozone and 24-hour PM and annual averages for year-round PM. Based on its methodology, ALA concludes that nearly 44 percent of people in the U.S. live in counties that have unhealthful levels of either ozone or PM and that 5.6 percent live in 12 counties with unhealthful levels of all three pollutants (ozone, 24-hour PM and annual PM). ALA further concludes that the best progress occurred in the continued reduction in annual PM pollution in the eastern U.S., which the organization attributes to cleaner power plants and cleaner diesel fleets. ALA's results for ozone are mixed, with numerous cities, especially in California, receiving better grades than in the 2014 *State of the Air* report, but with many others experiencing more unhealthy days. ALA also offers several recommendations that it believes are necessary for safeguarding the air: EPA must strengthen the National Ambient Air Quality Standards for ozone and issue a strong final Clean Power Plan rule, and Congress must ensure that protections under the Clean Air Act remain effective and enforced and adequately fund EPA and the states so they can monitor and protect the nation from air pollution. For further information: <http://www.stateoftheair.org/>

Cleaner Fuels and Cleaner Vehicles

Economist Examines Possible Paths Forward for RFS (April 15, 2015) – The Columbia University Center on Global Energy Policy released a study in which Harvard economist James Stock reflects on potential paths forward for the federal Renewable Fuel Standard (RFS). Stock contends that “America’s renewable fuels policy is at a crossroads,” disparaged by some as an inefficient program that increases costs for fuel suppliers and consumers and lauded by others as a valuable mechanism for reducing U.S. dependence on foreign oil and helping battle climate change. The author says that although the goals of the RFS remain as valid as when the program was enacted in 2005 and expanded in 2007, the program faces various challenges, including that it imposes costs while failing to deliver support for the low-carbon second-generation biofuels that are necessary for success. Therefore, he argues that the RFS program must be reformed. Stock identifies three possible paths forward, concluding that the best option is one under which EPA would expand the amount of renewable fuels in the fuel supply consistent with the Energy Independence and Security Act of 2007 and, in tandem, take steps, both by reforming the RFS and by taking additional actions outside the RFS, to increase policy certainty, promote the sale of higher-level ethanol blends like E85, reduce the volatility of Renewable Identification Number pricing and increase the economic efficiency of the RFS. According to Stock, some of these steps could be taken administratively while others would require legislation. For further information:

http://energypolicy.columbia.edu/sites/default/files/energy/Renewable%20Fuel%20Standard_A%20Path%20Forward_April%202015.pdf

Bipartisan Group of 37 Senators Calls Upon EPA to Maintain Strong RFS

(April 23, 2015) – Thirty-seven U.S. Democratic and Republican Senators sent a letter to EPA Administrator Gina McCarthy urging her to implement the federal Renewable Fuel Standard (RFS) as it was enacted into law in 2007, particularly as it relates to the establishment of domestic biofuel targets. Last year, EPA proposed a rule invoking its authority to limit, rather than increase, biodiesel volumes for 2014. That proposal has not been finalized. In their letter, the 37 Senators contend that the RFS has effectively spurred alternative fuels and economic development, strengthened agriculture markets and created hundreds of thousands of jobs, many of them in rural areas. In addition to ensuring continuation of this progress, the Senators say that setting strong biofuel volume requirements for 2014 and later years will “provide the certainty needed to unlock future investments in renewable fuels and necessary infrastructure, reduce our nation’s dependence on foreign sources of energy, and drive innovation and progress toward cellulosic, biodiesel, recycled waste, algal, and other advanced biofuels.” Accordingly, the Senators urge Administrator McCarthy to issue a final rule that will ensure continued work toward achieving the intended long-term economic and renewable energy goals. For further information:

<http://www.grassley.senate.gov/news/news-releases/grassley-bipartisan-groups-senators-call-strong-renewable-fuel-standard>

National Academies Examine Ways to Advance Development and

Acceptance of PEVs (April 22, 2015) – The Transportation Research Board of the National Academies published a report in response to a 2012 congressional request to identify barriers to the introduction of electric vehicles. In *Overcoming Barriers to Deployment of Plug-In Electric Vehicles*, the authors review the characteristics and capabilities of electric vehicle technologies, including cost, performance, range, durability and safety and evaluate how these factors potentially create barriers to widespread deployment. The report also includes an overview of the status of plug-in electric vehicles (PEVs) and offers recommendations to further develop this technology and increase the attractiveness of PEVs to consumers. Among the suggestions provided

are ones for Congress to extend the federal tax credit for electric vehicles and consider making it a rebate at the point of sale and to invest in research to reduce costs and extend battery life. For further information: http://www.nap.edu/openbook.php?record_id=21725

Air Toxics

NACAA Comments on EPA's Proposal to Retain Current Lead NAAQS (April 6, 2015) –

NACAA submitted comments to EPA on the agency's January 5, 2015 proposed National Ambient Air Quality Standards (NAAQS) for lead. After undertaking review of the lead NAAQS set in 2008 (at which time the agency lowered the 1978 standard from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 0.15 $\mu\text{g}/\text{m}^3$, primary and secondary), EPA is proposing to retain the current standard unchanged. For this current review, EPA concluded in its draft policy assessment, and the Clean Air Scientific Advisory Committee agreed (June 4, 2013), that there are substantial data gaps and uncertainties such that the current scientific evidence does not support a NAAQS revision at this time. NACAA has a history of encouraging EPA to "follow the science" when setting and revising NAAQS. In this case, the scientists agree there is insufficient scientific data to support a NAAQS revision. Therefore, in its comment letter, NACAA supports EPA's proposal to retain the current NAAQS. For further information: http://www.4cleanair.org/sites/default/files/Documents/NACAA-PB_NAAQS_Comments-040615-1.pdf

Refrigeration Company to Pay over \$3 Million for Releases of Toxic Gases (April 13, 2015) – A

refrigeration company has entered into a proposed settlement with the U.S. Department of Justice for charges related to leaks of toxic gases at its facility in Theodore, Alabama (*United States of America v. Millard Refrigerated Services, LLC* Civil Action No. 15–186). As part of the settlement under the Clean Air Act, the Comprehensive Environmental Response Compensation and Liability Act and the Emergency Preparedness and Community Right-To-Know Act, the company will pay a little over \$3 million in civil penalties for allowing three releases of anhydrous ammonia, a highly toxic substance, during its operations over a three-year period. The third release, in August 2010, generated more than 32,000 pounds of anhydrous ammonia and resulted in 154 hospitalizations. Following the third release, the company closed the refrigerated part of the facility. The proposed settlement, lodged with the United States District Court for the Southern District of Alabama, is subject to a 30-day public comment period before becoming final. For further information: <http://www.gpo.gov/fdsys/pkg/FR-2015-04-13/pdf/2015-08391.pdf>

Study Shows Possible Endocrine Disruption Due to Ambient Levels of BTEX (April 16, 2015) –

A study by researchers at the University of Colorado Boulder concludes that four chemicals often found in ambient air may be responsible for various adverse health effects, including endocrine disruption. In a study published in *Environmental Science & Technology*, the researchers report that BTEX – benzene, toluene, ethylbenzene, and xylene – at ambient concentrations may be linked to such health effects as “sperm abnormalities, reduced fetal growth, cardiovascular disease, respiratory dysfunction, asthma, sensitization to common antigens, and more.” Furthermore, at exposures below reference concentrations, the chemicals may be endocrine disruptors. BTEX are often used in adhesives, paints, rubber, pesticides and gasoline formulations. Additionally, they are emitted as the result of the combustion of gasoline and diesel fuels. For further information:

<http://pubs.acs.org/doi/abs/10.1021/es505316f>

Ozone and Carbon Monoxide Health Standards

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<http://www.stateoftheair.org/>

Federal-State-Local Partnerships and National Air Grant Funding

NACAA Submits Testimony to Senate on EPA’s FY 2016 Budget (April 14, 2015) – NACAA submitted testimony to the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies regarding the Administration’s proposed FY 2016 budget for EPA, including grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act. The President’s request included \$268.2 million for Sections 103 and 105 grants, which is an increase of \$40 million above FY 2015 levels. Of the proposed increase, \$25 million is targeted for implementation of the Clean Power Plan under Section 111(d) and \$15 million is for other continuing state and local air quality implementation activities. In the testimony, NACAA expressed support for the increase in the budget, but recommended that state and local air pollution control agencies be given the flexibility to determine how best to use the additional funds. NACAA also requested that grant funds for fine particulate matter monitoring not be shifted to Section 105 authority, as EPA is proposing, but remain under Section 103 authority. Finally, NACAA expressed support for the \$4-billion Clean Power State Incentive Fund and funding for the Diesel Emission Reduction Act (DERA) program, both of which are included in the President’s request. For further information:

http://www.4cleanair.org/sites/default/files/Documents/Testimony_Senate_NACAA_FY16.pdf

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association honored Arturo Blanco, former NACAA Co-President and Training Committee Co-Chair, who has left his position as Houston's air director to become Director of Environmental Justice and Tribal Affairs for EPA Region 6. The NACAA Spring Meeting was followed by a Wednesday afternoon NESCAUM-WESTAR-NACAA Workshop on Accelerating the Retirement of Old Wood-Burning Devices, in which 35 air officials took part. Presentations from the NACAA Spring Meeting are available on Air Web; presentations from the workshop will be available there shortly. For further information: <http://www.4cleanair.org>

House and Senate Conferees Agree on Report Language for FY 2016 Budget Resolution (April 29, 2015) – House and Senate conferees agreed on report language for the “Concurrent Resolution on the Budget for Fiscal Year 2016” to accompany S. Con. Res. 11. The non-binding resolution is intended to establish FY 2016 funding targets for the various appropriations subcommittees. Both the House and Senate must now adopt the agreed-upon version of the resolution in its final form and, since it is a resolution rather than a law, it is not subject to veto by the President. The resolution and the report language include provisions addressing EPA's programs on greenhouse gas emissions that were incorporated during both the House and Senate consideration of the resolution. For example, from the House version, provisions are included that seek to limit EPA's regulatory activities, especially the Clean Power Plan (see *Washington Update* of March 16-20, 2015). It promotes federal regulatory reform and calls for Congress to enact legislation that requires additional cost-benefit analyses (including retrospectively), Congressional approval of new major regulations and regulatory impact analyses. From the Senate version, provisions include opposition to the creation of a federal carbon tax, prohibitions on regulations that would reduce the reliability of the electricity grid and a prohibition of EPA regulations “which may include a prohibition on withholding highway funds from States that refuse to submit State Implementation Plans required under the Clean Power Plan of the Agency” (see *Washington Update* of March 23-27, 2015). For further information: http://www.budget.senate.gov/republican/public/index.cfm?a=Files.Serve&File_id=5389a308-6d7b-45fc-b8e7-e6db453eaf9a

EPA Issues Final National Program Manager Guidance for FY 2016-2017 (April 30, 2015) – EPA has issued its FY 2016-2017 National Program Manager (NPM) Guidance, which contains information for the next two years on the agency's priorities and activities, including for state and local air pollution control agency grantees. The NPM guidance is intended to reflect the agency's strategic plan goals. NACAA provided comments on March 23, 2015 on the draft NPM guidance, primarily expressing support for the Administration's proposed increase of \$40 million in FY 2016 grants for state and local air pollution control agencies (for a total of \$268.3 million), but recommending flexibility with respect to how these agencies spend the increased funds. Additionally, NACAA recommended that PM2.5 monitoring funds remain under Section 103 authority (where matching funds are not needed), rather than moving them to Section 105 authority, as the budget request intends. Included in the materials accompanying the final guidance is a document listing the agency's response to the comments it received on its draft. According to the document, EPA made minor adjustments in response to NACAA's comments, but did not change the guidance to reflect additional flexibility with respect to the use of grant funds or retention of the PM2.5 monitoring funds under Section 103. For further information: <http://www2.epa.gov/planandbudget/national-program-manager-guidances>

EPA Administrator Testifies at Senate Appropriations Hearing (April 29, 2015) – EPA Administrator Gina McCarthy testified before the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies regarding the Administration's FY 2016 budget request for EPA. The Administrator defended the President's budget, which includes a total of \$8.6 billion for

EPA and \$268.2 million in grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act. Administrator McCarthy highlighted the funds recommended to address climate change and improve air quality, totaling \$1.1 billion, as well as the \$4 billion Clean Power Incentive Fund, which is outside of EPA's budget, but would support state efforts to reduce carbon emissions from the power sector. Several members of the subcommittee – including Senate Majority Leader Mitch McConnell (R-KY) and the Subcommittee Chair Senator Lisa Murkowski (R-AK) – strongly criticized EPA's proposed Clean Power Plan regulations and the expected impact on the coal industry. McCarthy also fielded questions about the agency's recent standards to address wood-burning stoves and agreed to look into a possible wood-stove trade-in program recommended by Senator Patrick Leahy (D-VT). For further information:

<http://www.appropriations.senate.gov/hearings-and-testimony/interior-subcommittee-hearing-review-fy2016-epa-budget>

Energy Policies and Climate Change

Bloomberg Predicts Less Coal Use and Carbon Emissions, More Natural Gas and Renewables in 2015 Energy Outlook (April 8, 2015) – A Bloomberg New Energy Finance (BNEF) white paper predicts that 2015 could be a record year for coal retirements, new renewable capacity and natural gas utilization by the power sector. According to BNEF, all three trends will reduce carbon emissions in 2015 and, unless extreme summer heat waves increase generation demand, could lead to the lowest carbon emissions from the power sector in 20 years. In particular, according to the white paper, wind and solar power projects will add 18.3 Gigawatts (GW) of new generating capacity in 2015, setting a new record. During the previous record year, 2012, the U.S. added 17.1 GW of new wind and solar capacity. Though BNEF predicts significant growth for renewables, it describes the coal sector as “entering an unprecedented period of retirements.” Due to a combination of aging units, the 2015 Mercury and Air Toxics Standard compliance deadlines and low natural gas prices, BNEF expects that 23 GW of coal generation will retire this year. At the same time, BNEF predicts that natural gas utilization will increase to compensate for the loss of coal-fired generation and that 2015 may show the largest use of natural gas ever by the power sector. Bloomberg attributes this increase to low natural gas prices and the availability of efficient, combined-cycle natural gas turbines. For further information:

http://www.4cleanair.org/sites/default/files/Documents/BNEF_2015-02_AMER_US-Power-Fleet-De-Carbonisation-WP.pdf

Parties Argue Before D.C. Circuit Over Proposed Clean Power Plan Rule (April 16, 2015) – A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit heard oral arguments over whether it should block EPA from finalizing its Clean Power Plan in related cases challenging the proposed rule (*In re Murray Energy Corp.*, No. 14-1112 et al. and *West Virginia v. EPA*, No. 14-1146). Attorneys for Murray Energy Corp., West Virginia, and state and industry intervenors argued that the court should issue an “extraordinary writ” or other relief barring EPA from finalizing the rule, on grounds that the Clean Air Act's statutory text bars the agency from regulating CO₂ emissions from power plants under CAA Section 111(d) because the source category is already regulated under Section 112. In their questioning, Judges Robert Griffith and Brett Kavanaugh expressed concern that taking the “unprecedented” step of halting a non-final rule would result in a judicially unmanageable “morass” of challenges to other proposed rules. They queried what differentiates the Clean Power Plan from other important proposed rules such that it warrants the “extraordinary” relief requested by petitioners. Attorneys for EPA and states and NGOs supporting the agency asserted that the challenge is both unripe and barred by the Clean Air Act's judicial review provisions in CAA Section 307. Arguing for EPA, Justice Department attorney Brian

Lynk emphasized that the court will not know the Administrator's final legal rationale underlying the rule until it is finalized. Judge Karen LeCraft Henderson appeared more amenable to petitioners' arguments on the timing of the challenge, observing that EPA has already concluded that it has the legal authority to promulgate the rule, and "that's not going to change." Questions regarding the petitioners' statutory arguments centered on the differing House and Senate changes to Section 111(d) in the 1990 CAA amendments. The House version appears to bar EPA from regulating a source category under Section 111(d) if that source category is already regulated under Section 112 (as power plants are under the Mercury and Air Toxics Standards). The Senate version would allow regulation of the same source category under both sections as long as each is used to address a different pollutant. Appearing for EPA, attorney Amanda Shafer Berman argued forcefully that, in the face of conflicting statutory provisions, the court is obligated to defer to the agency's interpretation regarding how to reconcile those provisions. Harvard Law Professor Laurence Tribe, appearing for Peabody Energy and petitioner-intervenor states, asserted that no statutory ambiguity exists and that EPA is treating "a non-executable, moot provision" (the Senate-passed amendment of Section 111(d)) as if it were law. EPA's assertion of authority in promulgating the proposed rule is unconstitutional, Tribe argued. For further information:

<http://www.cadc.uscourts.gov/recordings/recordings.nsf/>

House Energy and Commerce Committee Debates Proposal to Limit EPA Clean Power Plan (April 14, 2015) – The House Energy and Commerce Subcommittee on Energy and Power held a hearing to consider draft legislation allowing states to delay or avoid compliance with EPA's proposed Clean Power Plan (CPP). The draft legislation, entitled the Ratepayer Protection Act of 2015, would allow states to defer their CPP compliance deadlines until after all legal challenges to the rule are resolved. Further, the bill would permit any governor to opt out of compliance if he/she determines that the CPP would harm ratepayers or adversely affect electric reliability in the state. EPA Acting Assistant Administrator Janet McCabe was the sole witness on the hearing's first panel, describing the proposed bill as premature, unnecessary and harmful. According to McCabe, "Although members of Congress have routinely expressed concern with EPA's rules and their legality over the years, we are not aware of any instance in the last 25 years when Congress has enacted legislation to stay implementation of an air rule during judicial review. To do so here, before the rule is even final, would be an unprecedented interference with the EPA's efforts to fulfill its duties under the Clean Air Act – an Act that was written and passed by Congress with bipartisan support and that has brought improved public health to millions of Americans for decades." Subcommittee Chairman Ed Whitfield (R-KY) challenged McCabe's testimony in his opening comments. "Anyone familiar with the Clean Air Act should not in any way be surprised that Congress would try to stop, slow down or, as Ms. McCabe said, interfere with efforts to rush implementation of the rule for existing source performance for electric generating units." Whitfield added that EPA had overstepped its legal authority with the CPP proposal, suggesting "people are asking Congress for help in reigning in this agency." The hearing's second panel included six witnesses from a mixture of business and industry groups, a power company, the state of Massachusetts and the Analysis Group. Most focused on the potential impacts of the CPP. Business, industry and utility witnesses included Eugene Trisko, Energy Economist and Attorney on behalf of the American Coalition for Clean Coal Electricity; Lisa Johnson, CEO and General Manager of the Seminole Electric Cooperative in Florida; Kevin Sunday, Manager of Government Affairs for the Pennsylvania Chamber of Business and Industry; and Paul Cicio, President of the Industrial Energy Consumers of America. They predicted that the CPP would force consumers to pay more for electricity, threaten electrical grid reliability and harm state economies. The remaining two witnesses took a more optimistic view of the proposed rule. The Analysis Group's Susan Tierney argued that the CPP would not jeopardize electrical reliability, have only modest impacts on electricity rates and

provide long-term economic opportunities. Melissa Hoffer, Assistant Attorney General and Chief of the Massachusetts Attorney General's Environmental Bureau, defended the legality of the CPP, concluded that the proposed Ratepayer Protection Act would weaken the Clean Air Act, and stated that the CPP would lead to cost-effective reductions in greenhouse gas emissions. For further information: <http://energycommerce.house.gov/hearing/epa%E2%80%99s-proposed-111d-rule-existing-power-plants-and-hr-ratepayer-protection-act>

U.S. Greenhouse Gas Emissions Grew in 2013 (April 15, 2015) – According to EPA's annual greenhouse gas (GHG) inventory, U.S. GHG emissions increased by 2 percent between 2012 and 2013. The 2013 emissions total, however, remained 9 percent below 2005 levels. EPA attributed the 2013 increase to multiple factors, including a shift toward coal-fired energy generation and away from natural gas, cold winter conditions that increased heating needs and greater industrial production across multiple sectors. The agency also recorded an increase in vehicle sector emissions compared to 2012. The U.S. inventory is compiled each year to quantify human-caused GHG sources and sinks for submittal to the U.N. Framework Convention on Climate Change (UNFCCC). The UNFCCC charter calls for participating countries to provide annual emissions inventories based on an internationally agreed to methodology and organization. The full report, entitled *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2013*, is available online. For further information: <http://www.epa.gov/climatechange/ghgemissions/usinventoryreport.html>

NERC Requests Clean Power Plan Delay (April 21, 2015) – The North American Electric Reliability Corporation (NERC), a non-profit organization tasked with ensuring U.S. electric grid reliability, has released an assessment of EPA's proposed Clean Power Plan (CPP), recommending that EPA delay the CPP's 2020 interim compliance deadline. In its report, NERC concluded that the 1) proposed CPP will accelerate shifts toward natural gas and renewable power generation already underway, requiring additional transmission planning and analysis; (2) remaining coal-fired generation may shift away from base-load supply to seasonal peaking, potentially raising plant operating costs and risking additional retirements; and (4) CPP will accelerate shifts toward gas-fired generation and require additional infrastructure and pipeline capacity. The report, entitled *Potential Reliability Impacts of EPA's Proposed Clean Power Plan: Phase I*, acknowledges that its conclusions could be affected by the final CPP rule, expected this summer, and recommends additional analysis once the rule is finalized and as states begin submitting implementation plans. For further information: http://www.4cleanair.org/sites/default/files/Documents/NERC_Reliability_Assessment_of_CPP_April_2015.pdf

ACEEE Releases Clean Power Plan Compliance Tool (April 22, 2015) – The American Council for an Energy Efficient Economy (ACEEE) has released a new tool to help Clean Power Plan (CPP) stakeholders weigh the costs and mitigation potential of different compliance options. The tool, called the State and Utility Pollution Reduction (SUPR) Calculator, allows users to build state compliance scenarios based on 19 different CO₂-reducing technologies and policies. Among the mitigation measures included in SUPR are annual energy savings targets, building energy codes, performance contracting, combined heat and power, increased renewable generation, fuel-switching and various emissions control options for coal-fired electric generating units. Within a compliance scenario, SUPR estimates the costs of each policy as well its contribution toward meeting the state CPP emissions goal. For further information: <http://aceee.org/research-report/e1501>

PUBLIC INFORMATION

On-Going

- Asbestos

Staff sends out asbestos informational packages to Lane County residents who received building permits for remodeling projects and new homeowners. Residents are directed to contact LRAPA with any questions. Residents of the cities of Eugene, Springfield and Coburg now receive information with their permits. LRAPA will keep the local planning departments and contractors, upon request, stocked with the fliers so that they can help get the word out to residents who might encounter asbestos-containing materials while remodeling their homes. *(Jo)*

- General

Staff mails new homeowner packages for home sales, including materials about the home wood heating, open burning rules, asbestos and home remodeling. Eugene and Springfield planning departments provide names and addresses of new home owners on a periodic basis. Residents are directed to contact LRAPA with any questions. Staff mailed out over 300 packets for March home sales. *(Jo)*

Staff had no media contact in April. *(Jo)*

Staff had no press releases in April. *(Jo)*

City of Oakridge Curtailment Program. *(Jo)*

Annual Report 2014. *(Jo)*

Air Quality Monitor Tour in Amazon Park scheduled for May 1st. *(Jo)*

Completed

Air Quality Awareness Week Events. *(Jo)*

Earth Day Lobby Day in Salem with Oregon Environmental Council. *(Jo)*

Earth Day in the Park Event. *(Jo)*

UPCOMING LRAPA BOARD AGENDA ITEMS

This schedule outline is a preview of upcoming agenda items, and we will update it as the time frames for additional issues become firmer.

April 2015:

- ~~Second budget committee meeting on proposed budget for FY2016.~~
- ~~Dashboard report.~~
- ~~Proposed new format for performance review of Director.~~

May 2015:

- Third budget committee meeting on proposed budget for FY2016.
- Asbestos case enforcement settlement and Stipulated Final Order.

June 2015:

- Adopt FY2016 budget.
- Appoint or reappoint advisory committee members with expired terms.
- Discussion of extended home wood heating season (October-March).

July 2015:

- Discussion of extended home wood heating season (October-March).
- Review progress and update strategic priorities.

August 2015: No meeting.

September 2015:

- Preliminary discussion of a succession plan.
- Vehicle emission testing update – DEQ presentation.

October 2015:

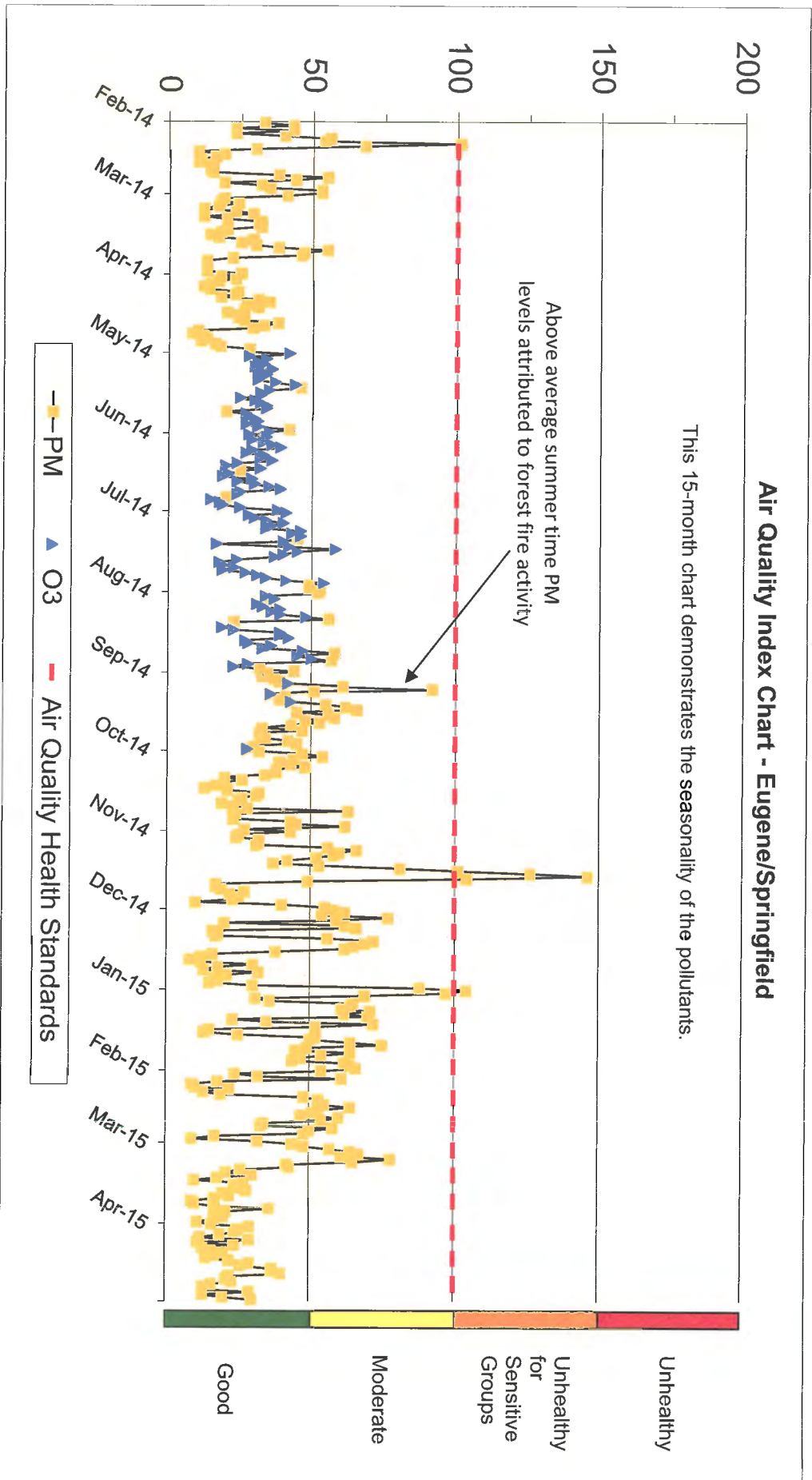
- Dashboard report.
- Review director performance for FY2015.

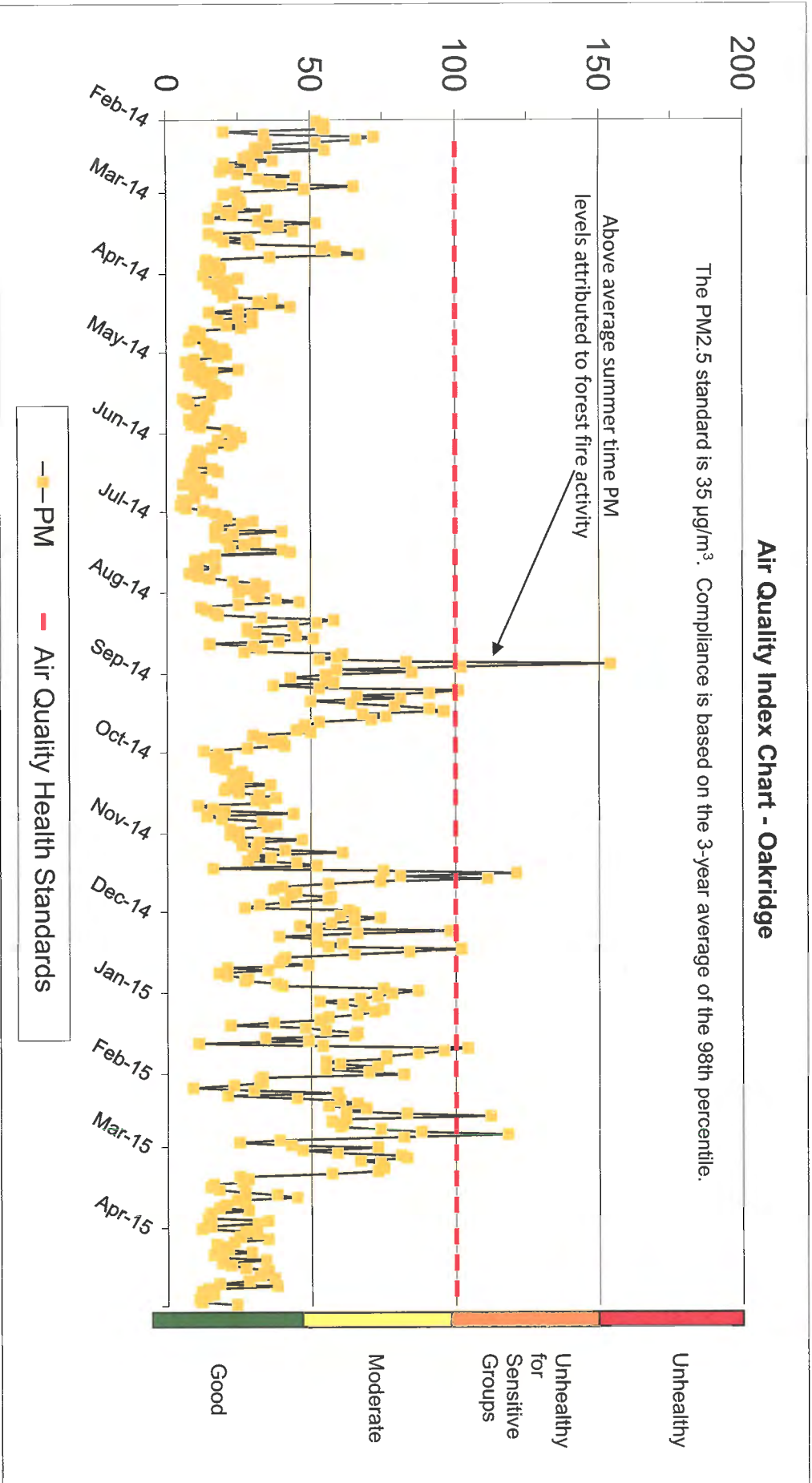
November 2015:

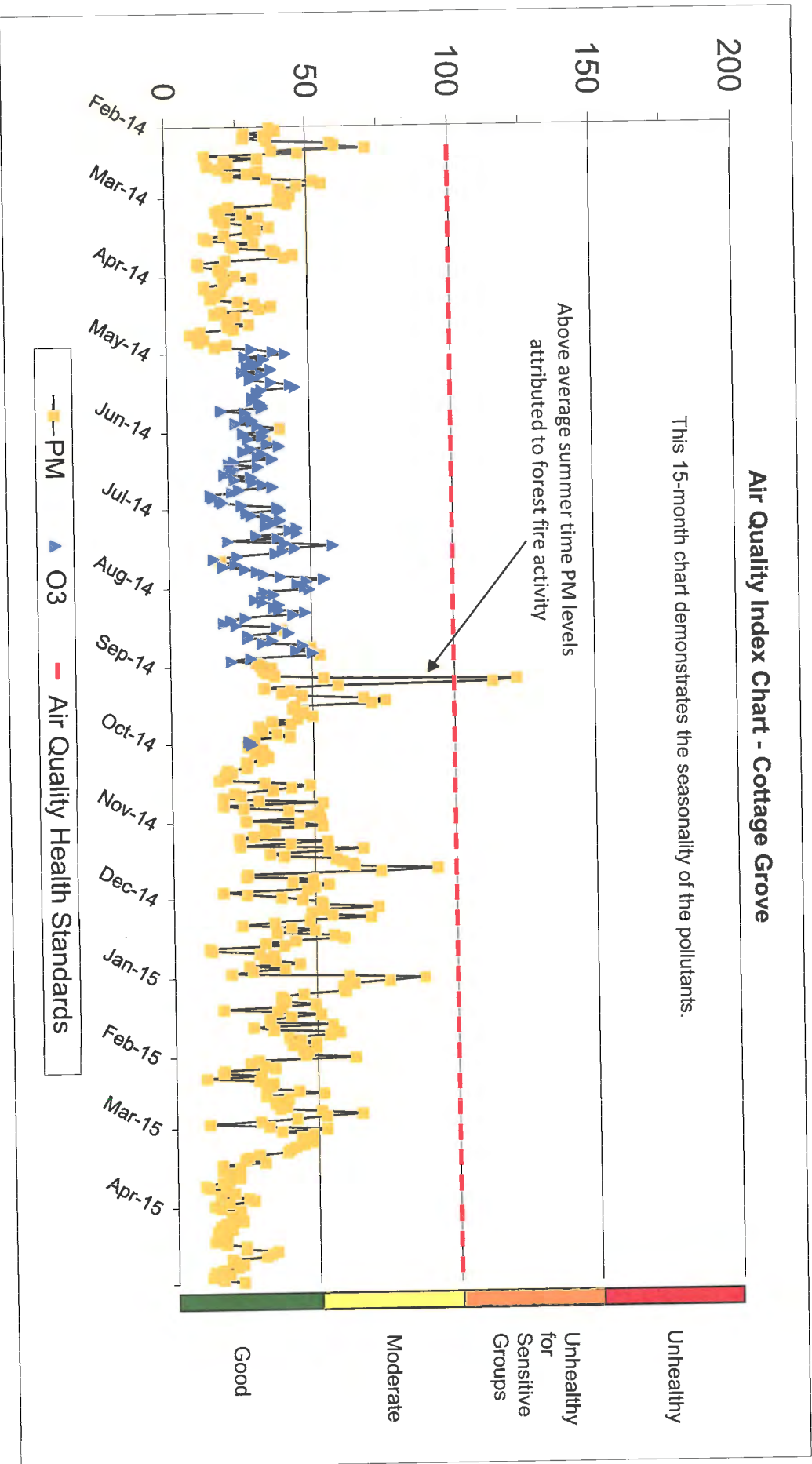
- Auditor review of FY2015 financials.

December 2015: No meeting.

MLH/cmw







NEW/OPEN ENFORCEMENT ACTIONS
04/01/2015 -- 04/30/2015
Report of open and actions initiated since last report

NEW (New Enforcement actions issued): 04/01/2015 -- 04/30/2015

1. ECKSTINE, VINCENT (CRESWELL)
 - A. Violation: Conducting the open burning of prohibited materials (plastics, asphalt roofing material)
 - B. Initial Action Taken: NON #3572 issued 04/02/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING

2. BARRON, ADAM (MARCOLA)
 - A. Violation: Asbestos survey requirements; demolition requirements; notification requirements; abatement work practice requirements; open burning of prohibited materials; open burning of construction/demolition debris without first obtaining appropriate permits
 - B. Initial Action Taken: NON #3573 issued 04/24/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING

3. EMERALD CABINETS INC. (EUGENE)
 - A. Violation: Failure to pay Basic ACDP fees required in Table 2 of Title 37, Section 37-0020
 - B. Initial Action Taken: NON #3575 issued 04/07/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING

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ACTIONS PERFORMED (Enforcement actions issued prior to 04/01/2015 with subsequent action in the current reporting period):

1. STEINMAN, PATRICK R. (EUGENE)
 - A. Violation: Conducting open burning when prohibited; open burning such as to create a hazard to public safety; conducting open burning where prohibited (Eugene city limits)
 - B. Initial Action Taken: NON #3501 issued 08/22/2014
 - C. Subsequent Action: NCP #2014-3501 (\$600) issued 09/19/2014: request for hearing scheduled and held 12/17/14; 12/31/14, Hearing's Official found in favor of LRAPA with a reduced Magnitude of the violations to reduce the civil penalty from \$600 to \$250,; 12/31/15 letter sent to Respondent included Title 14, Hearing's Official Decision, Appeals Procedures handout - Respondent had 30 days to request an appeal to the LRAPA Board of Director's, no appeal filed - paid 04/07/15
 - D. Resolution: CASE CLOSED on 04/07/2015
2. HAASE, DAVID (EUGENE)
 - A. Violation: Open burning at a time when open burning was prohibited; open burning of prohibited materials (plastics, garbage); open burning of construction/demolition debris without first obtaining a letter permit from LRAPA
 - B. Initial Action Taken: NON #3553 issued 11/07/2014
 - C. Subsequent Action: NCP #2014-3553 (\$500) issued 12/12/2014: request for reduction approved and reduced to \$400 with signed SFO 14-3554 (NCP 14-3553 and NCP 14-3554 were both included with SFO 14-3554 for a total amount due of \$400) - Paid
 - D. Resolution: CASE CLOSED on 04/08/2015

3. HAASE, DAVID (EUGENE)
 - A. Violation: Open burning at a time when open burning was prohibited; open burning prohibited materials
 - B. Initial Action Taken: NON #3554 issued 11/26/2014
 - C. Subsequent Action: NCP #2014-3554 (\$300) issued 12/12/2014: request for reduction approved and reduced to \$400 with signed SFO 14-3554 (NCP 14-3553 and NCP 14-3554 were both included with SFO 14-3554 for a total amount due of \$400) - Paid
 - D. Resolution: CASE CLOSED on 04/08/2015
4. PAULSON, KELLY (MARCOLA)
 - A. Violation: Open burning at a time when open burning was prohibited; open burning of prohibited materials (household garbage, animal hair))
 - B. Initial Action Taken: NON #3564 issued 01/29/2015
 - C. Subsequent Action: NCP #2015-3564 (\$600) issued 03/06/2015: request for hearing cancelled and negotiated settlement of \$300 with signed SFO - paid
 - D. Resolution: CASE CLOSED on 04/06/2015
5. KING, KELLY M (SPRINGFIELD)
 - A. Violation: Open burning on a day when open burning was prohibited; open burning of prohibited materials (cardboard packaging, packaging tape, PVC pipe); open burning on property upon which open burning is prohibited; open burning of construction/demolition debris where prohibited
 - B. Initial Action Taken: NON #3565 issued 01/30/2015
 - C. Subsequent Action: NCP #2015-3565 (\$600) issued 03/06/2015: request for reduction approved and reduced to \$300 with signed SFO - paid
 - D. Resolution: CASE CLOSED on 04/22/2015

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6. MOTTER, NED & TOTEM PALLET & CRATE (EUGENE)
 - A. Violation: Open burning within Eugene city limits; construction/demolition/commercial open burning within the ESUGB
 - B. Initial Action Taken: NON #3566 issued 02/10/2015
 - C. Subsequent Action: NCP #2015-3566 (\$420) issued 03/06/2015: Request for reduction approved and reduced to \$210 with signed SFO - paid
 - D. Resolution: CASE CLOSED on 04/27/2015

PENDING (Enforcement actions issued prior to 04/01/2015 with no subsequent action in the current reporting period):

1. FLAKEBOARD AMERICA LIMITED - EUG MDF (EUGENE)
 - A. Violation: Failed to comply with condition no. 25 of Title V Operating Permit No. 200529 issued May 23, 2012 by failing to demonstrate formaldehyde reduction of 90% from Dryer-1
 - B. Initial Action Taken: NON #3514 issued 05/09/2014
 - C. Subsequent Action: SFO (\$4,400) issued 05/30/2014: SFO (\$4,400) issued 05/30/2014 - paid; re-test failed, addendum No. 1 to SFO for \$5,200 - Flakeboard opted for a Supplemental Environmental Project and LRAPA approved, Flakeboard paid LRAPA \$1,040 and Oakridge Warm Homes Program \$4,160; Flakeboard must submit written monthly status reports and by July 1, 2015 shall substantially complete installation of the components of the project per Addendum No. 1 to SFO - on schedule with monthly status reports
 - D. Resolution: PENDING

2. PINCUS, AMY (DEADWOOD)
 - A. Violation: Failure to obtain an asbestos survey prior to demolition of a facility; open burning of prohibited materials (asphalt roofing material, chemically treated wood, urethane foam)
 - B. Initial Action Taken: NON #3519 issued 07/03/2014
 - C. Subsequent Action: NCP #2014-3519 (\$3,800) issued 07/31/2014: request for reduction approved and reduced to \$1,900 with signed SFO and payment schedule
 - D. Resolution: PENDING
3. JASPER WOOD PRODUCTS, LLC (JASPER)
 - A. Violation: Failure to remedy spillage and accumulation of wood waste dust from around transfer points, hoppers, machine centers and general plant site
 - B. Initial Action Taken: NON #3540 issued 09/11/2014
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING
4. C & K MARKET (VENETA)
 - A. Violation: Asbestos survey requirements; asbestos abatement projects; asbestos abatement notification requirements; asbestos abatement work practices and procedures; friable asbestos disposal requirements
 - B. Initial Action Taken: NON #3542 issued 10/22/2014
 - C. Subsequent Action: NCP #2014-3542 (\$13,500) issued 01/26/2015: request for reduction under review
 - D. Resolution: PENDING

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5. RAPOLLA, BRANDON / PRC FAIRCHILD (VENETA)
 - A. Violation: Asbestos survey requirements; asbestos abatement projects; asbestos abatement notification requirements; asbestos abatement work practices and procedures; friable asbestos disposal requirements
 - B. Initial Action Taken: NON #3545 issued 10/22/2014
 - C. Subsequent Action: NCP #2014-3545 (\$13,800) issued 01/26/2015
 - D. Resolution: PENDING

6. HEFNER, GENE (DORENA)
 - A. Violation: Failure to obtain from an accredited asbestos inspector a survey of a facility to determine the presence of asbestos containing material prior to demolishing the facility. Open burning at a time when open burning was prohibited, open burning of prohibited materials (asphalt roofing material, linoleum, plastics)
 - B. Initial Action Taken: NON #3550 issued 12/16/2014
 - C. Subsequent Action: NCP #2014-3550 (\$1,100) issued 01/26/2015: request for reduction approved and reduced to \$550 with signed SFO
 - D. Resolution: PENDING

7. BARTO, JIM (VENETA)
 - A. Violation: Conducting the open burning of prohibited materials (plastics, clothing, etc.)
 - B. Initial Action Taken: NON #3551 issued 11/25/2014
 - C. Subsequent Action: NCP #2015-3551 (\$325) issued 03/11/2015
 - D. Resolution: PENDING

8. RANDY CHRISTIAN (WESTFIR)
 - A. Violation: Failed to obtaining an asbestos survey by an accredited asbestos inspector prior to demolition of a facility
 - B. Initial Action Taken: NON #3555 issued 12/22/2014
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING

9. HOWARD, HARLAN (SPRINGFIELD)
 - A. Violation: Failure to attend open burning until extinguished; failure to promptly extinguish open burning that is in violation of LRAPA regulations; open burning of prohibited materials (asphalt roofing materials, plastics, carpeting); open burning of debris from demolished mobile home and outbuildings; failure to conduct asbestos survey prior to demolition
 - B. Initial Action Taken: NON #3556 issued 01/08/2015
 - C. Subsequent Action: NCP #2015-3556 (\$3,822) issued 03/06/2015
 - D. Resolution: PENDING

10. VIKING, MIKE (EUGENE)
 - A. Violation: Conducting open burning at a time when open burning was prohibited; open burning of construction/demolition/commercial debris (wooden furniture)
 - B. Initial Action Taken: NON #3557 issued 01/02/2015
 - C. Subsequent Action: NCP #2015-3557 (\$350) issued 01/27/2015: request for reduction approved for \$175 with signed SFO
Subsequent Action: SFO (\$175) issued 03/23/2015
 - D. Resolution: PENDING

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11. VALENCIA, JERRY (LOWELL)
 - A. Violation: Open burning when prohibited; open burning of prohibited materials (paper products); commercial open burning without obtaining permits
 - B. Initial Action Taken: NON #3559 issued 01/14/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING
12. TABER, TIMOTHY (EUGENE)
 - A. Violation: Exceeded 40% opacity from solid fuel space heating device stack
 - B. Initial Action Taken: NON #3560 issued 01/16/2015
 - C. Subsequent Action: NCP #2015-3560 (\$50) issued 02/02/2015
 - D. Resolution: PENDING
13. WILLIAMS, ROBIN (MCKENZIE BRIDGE)
 - A. Violation: Failure to attend open burning; open burning at a time when open burning was prohibited; open burning of prohibited materials (plastics)
 - B. Initial Action Taken: NON #3561 issued 01/26/2015
 - C. Subsequent Action: NCP #2015-3561 (\$550) issued 03/06/2015: request for reduction approved and reduced to \$275 with signed SFO and payment schedule
 - D. Resolution: PENDING

14. KINCAID, CLEVELAND (BLUE RIVER)

- A. Violation: Failure to promptly extinguish illegal open burning; conducting open burning at a time when open burning was prohibited; open burning of prohibited materials (household garbage, plastics, clothing)
- B. Initial Action Taken: NON #3562 issued 01/26/2015
- C. Subsequent Action: NCP #2015-3562 (\$600) issued 03/06/2015: no response, Default Order Judgment (DOJ) in process for a lien on the property
- D. Resolution: PENDING

15. GALAN, ABEL (EUGENE)

- A. Violation: Exceeded 40% opacity from solid fuel space heating device stack
- B. Initial Action Taken: NON #3563 issued 01/30/2015
- C. Subsequent Action: NCP #2015-3563 (\$50) issued 03/06/2015
- D. Resolution: PENDING

16. WELLS, RICK (DEXTER)















- A. Violation: Open burning at a time when open burning was prohibited; open burning of prohibited materials (chemically treated wood, fencing material); open burning of construction/demolition debris without first obtaining appropriate permits
- B. Initial Action Taken: NON #3567 issued 02/13/2015
- C. Subsequent Action: PENDING
- D. Resolution: PENDING




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17. DAVIS, NYLOTIS J. (SPRINGFIELD)
- A. Violation: Open burning of prohibited materials; open burning on a day when open burning was prohibited and in Springfield city limits on lot less than 1/2 acre in size; unattended open burning and Respondent failed to extinguish materials
 - B. Initial Action Taken: NON #3570 issued 03/10/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING
18. SZTYMELSKI, ANDREW (EUGENE)
- A. Violation: Failure to attend open burning; failure to promptly extinguish open burning that was illegal; open burning when prohibited; open burning of prohibited materials (business documents); open burning within the Eugene city limits; commercial open burning where prohibited
 - B. Initial Action Taken: NON #3571 issued 03/20/2015
 - C. Subsequent Action: PENDING
 - D. Resolution: PENDING

National Ambient Air Quality Health Standards













Clean Air Act Goal	Current Status	Trend	Expected Finish	Comments
Maintain compliance with the carbon monoxide (CO) air quality health standard			Ongoing	Focusing on promoting battery electric vehicles (BEV), plug-in electric vehicles (PEVs), and work place charging.
Maintain compliance with the PM₁₀ air quality health standard			Ongoing	Continuing improvement of PM ₁₀ concentrations; Eugene/Springfield now a maintenance area. See pages 7 and 10.
Maintain compliance with the annual PM_{2.5} air quality health standard in Eugene/Springfield			Ongoing	Levels improving in Eugene, Springfield, and Cottage Grove. See pages 8 and 10.
Maintain compliance with the 24-hour PM_{2.5} air quality health standard in Eugene/Springfield			Ongoing	Levels improving in Eugene, Springfield, and Cottage Grove. See pages 8 and 10.
Maintain compliance with the annual PM_{2.5} air quality health standard in Oakridge			Ongoing	Levels improving. Oakridge meets the annual federal standard. See pages 8 and 10.
Attain compliance with the 24-hour PM_{2.5} air quality health standard in Oakridge			Ongoing	Despite long-term improvements, Oakridge continues to violate federal standard. See pages 8 and 10.
Maintain compliance with the ozone air quality health standard in Eugene/Springfield			Ongoing	Continuing improvement of ozone concentrations, 2014 levels below range for tightened proposed by EPA. See pages 5 and 9.




-  Red Light = Problem. Requires priority attention.
-  Yellow Light = Concern. Requires continued attention.
-  Green Light = On track. Maintain status.

Purple indicates areas of recent focus.




 Improving, positive trend  No changes or status quo  Deteriorating, negative trend

Particulate Matter









Priority	Current Status	Trend	Expected Finish	Comments
Improve PM_{2.5} air quality in Oakridge			Compliance by December 2015	Long-term trend shows improvement, but data shows the worst days are flat and plateaued. See pages 8 and 10.
Complete work on new PM_{2.5} control strategy and attainment plan for Oakridge , including reconsideration of non-attainment area boundary			Plan adopted by December 2012. Boundary reconsideration in 2014-2015.	Plan submitted to Oregon Environmental Quality Commission and EPA, monthly check-in meetings. EPA considering changing NAA boundary to Oakridge UGB. Currently working with Oakridge on supplemental plan.
Maintain compliance with PM_{2.5} standard in Eugene Springfield and Cottage Grove			Ongoing	Annual and worst day PM_{2.5} levels improved long-term and meet standards. Occasional high, "Red" days during cold, stagnant weather.
Strengthen Oakridge advisory program and continue to provide timely and accurate air quality and burning advisories			February 2014	More conservative forecasts to ensure rare missed red days. Police enforcement in effect. Electronic reader board being used to inform residents of advisories.
Implement revised air quality index and home wood heating advisories based on new PM_{2.5} standards			November 2007 November 2013	The 2006 PM_{2.5} standard changed the 100 level of the AQI. The 2013 PM_{2.5} standard changed the AQI 50 level.
Complete PM_{2.5}/GHG implementation in industrial permitting			Ongoing	Incorporated upon permit renewals.

-  Red Light = Problem. Requires priority attention.
-  Yellow Light = Concern. Requires continued attention.
-  Green Light = On track. Maintain status.



Purple indicates areas of recent focus.




 Improving, positive trend
  No changes or status quo
  Deteriorating, negative trend

Air Toxics and Ozone




Priority	Current Status	Trend	Expected Finish	Comments
Incorporate Maximum Achievable Control Technology (MACT) requirements into industrial permits and ensure compliance			Ongoing as EPA finalizes new MACT standards	Incorporated as permit modifications or at permit renewal.
Continue to develop and implement programs, rule and fee structures for area source National Emission Standards for Hazardous air Pollutants (NESHAPs)			Ongoing as EPA finalizes new NESHAP standards	Boiler NESHAP implementation currently ongoing
Compare modeled air toxics concentrations in the National Air Toxics Assessment (NATA) with local air toxics monitoring data			NATA results to be updated by EPA for 2011, 2014, and 2017	NATA 2011 results from EPA expected in mid-2015. LRAPA initiating air toxics monitoring for 2015 at two locations.
Review revised national ambient air quality standards for ozone ; assess the status of airsheds in Lane County, identify next steps as needed			Revised ozone standard to be proposed in late 2014 and adopted in 2015.	Current ozone levels at both Saginaw and Amazon Park are below the EPA considered range (i.e., <60 ppb).

AirMetrics



















Priority	Current Status	Trend	Expected Finish	Comments
Maintain self-supporting operation, at break-even or better production levels			Maintain 12-month average of 20 units sold per month.	See page 11. Maintaining or exceeding break-even goal.




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 Improving, positive trend
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  Deteriorating, negative trend

Agency Administration

Goal or Initiative	Current Status	Trend	Expected Finish	Comments
Update LRAPA strategic priorities annually			October 2014 October 2015	Reported recent successes and future priorities. Incorporated into dashboard beginning November 2013.
Provide timely permits, inspections and construction reviews			Ongoing permitting. Inspections to be completed by 9/30 each year.	New inspector hired, August 2014. All inspections completed by 9/30/14 as required.
Provide clear and precise communications to citizens and other stakeholder through public involvement process			Ongoing	Increased presence on social media with a newly renovated website strengthens technological outreach methods.
Improve compliance inspection, reporting and tracking			October 2014 October 2015	Ongoing training on EPA's database modernization project (ICIS-Air). LRAPA directly entering data to into the older database (AFS) for the last time by 10/31/14 as required. Also, active discussions with DEQ about use of their database (TRAACS) for LRAPA use.
Maintain industrial area source LRAPA rules			Spring 2015	Major rule revisions underway by DEQ with an April 2015 projected adoption date. Need to integrate LRAPA.
Finalize personnel policy manual			January 2014. Review & update by January 2016.	Working with the City of Eugene Attorney's Office to review the compensation plan.
Improve financial stability and viability of LRAPA: develop five-year budget projection annually			January 2015 January 2016	A 5 year multi-year projection is updated each January. Next update in January 2016.
Complete annual performance reviews on all LRAPA staff			Ongoing	As of April 2015, all 15 of 15 (100%) have been completed within the last 12 months, including the initial 6-month reviews for the new staff.
Keep financial reserves at 120 days minimum			Report quarterly	Auditors recommended 90-180 days. Board adopted target of 120 days minimum.

-  Red Light = Problem. Requires priority attention.
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Purple indicates areas of recent focus.

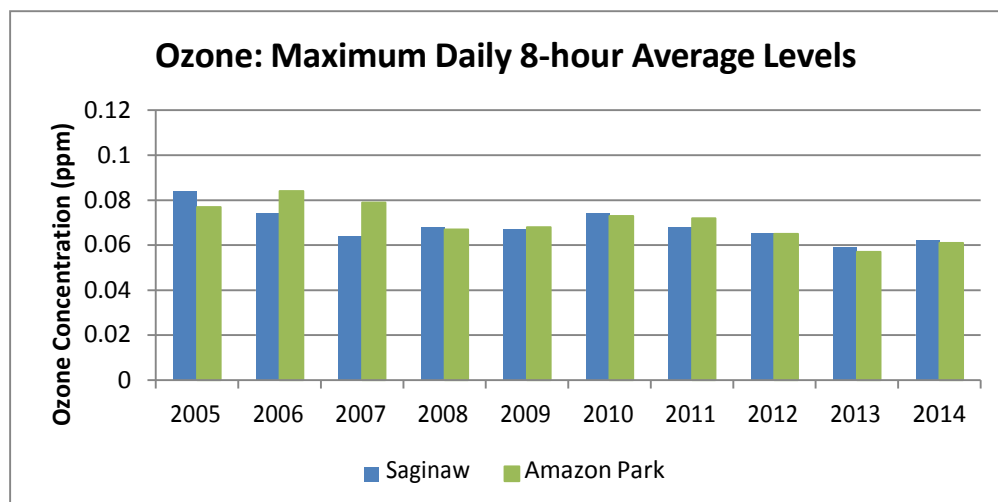
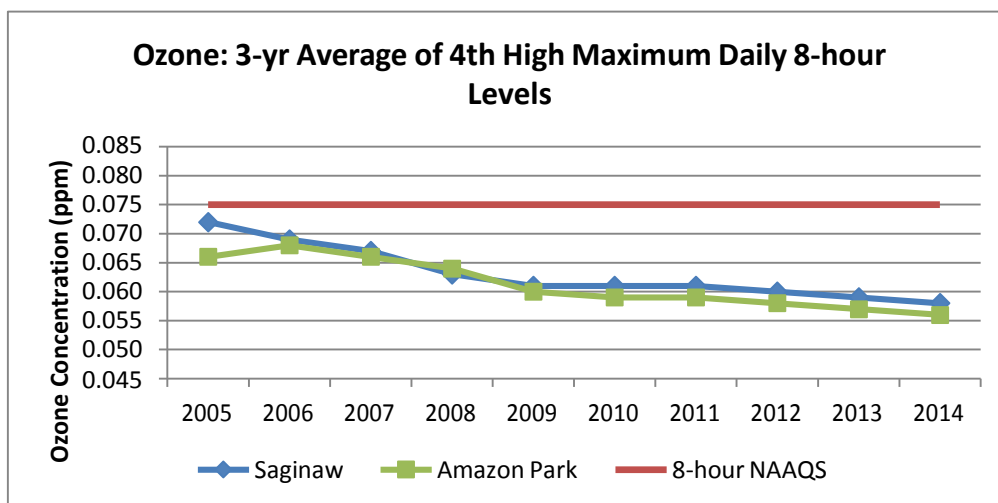
 Improving, positive trend
  No changes or status quo
  Deteriorating, negative trend

OZONE DATA

EPA has designated the following National Ambient Air Quality Standards (NAAQS) for Ozone:

Level	Averaging Time	Description
0.075 ppm	8-hour	To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. (effective May 27, 2008)

8-HOUR AVERAGE OZONE LEVELS 2005 - 2014 (ppm)											
Site Name		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Saginaw	Maximum	0.084	0.074	0.064	0.068	0.067	0.074	0.068	0.065	0.059	0.062
	4th highest	0.071	0.070	0.060	0.059	0.066	0.060	0.059	0.062	0.056	0.058
	3-year 4th high	0.072	0.069	0.067	0.063	0.061	0.061	0.061	0.060	0.059	0.058
	# Exceedances	0	0	0	0	0	0	0	0	0	0
Amazon Park	Maximum	0.077	0.084	0.079	0.067	0.068	0.073	0.072	0.065	0.057	0.061
	4th highest	0.064	0.076	0.059	0.059	0.063	0.056	0.059	0.059	0.053	0.058
	3-year 4th high	0.066	0.068	0.066	0.064	0.060	0.059	0.059	0.058	0.057	0.056
	# Exceedances	0	0	0	0	0	0	0	0	0	0

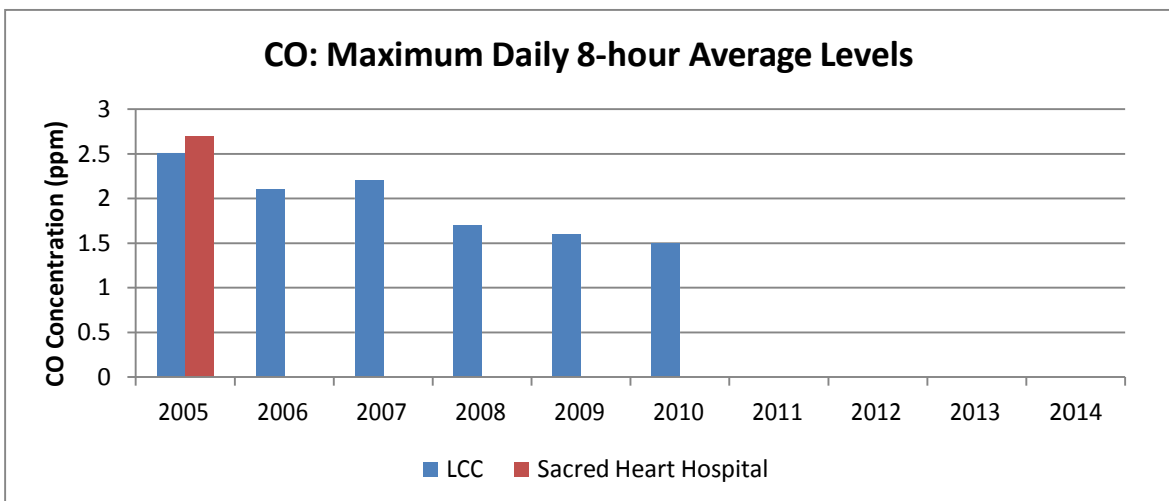
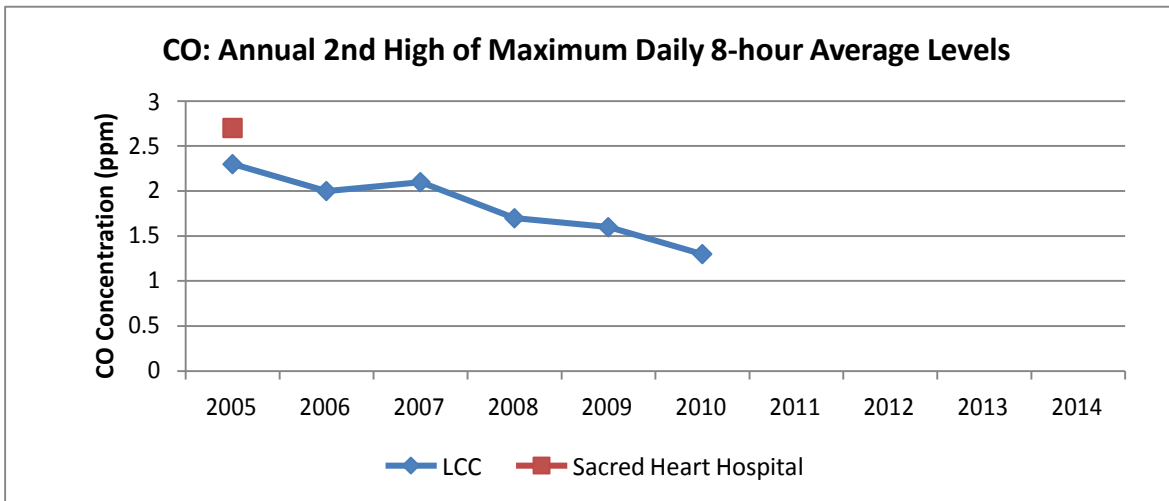


CARBON MONOXIDE DATA

EPA has designated the following National Ambient Air Quality Standards (NAAQS) for CO:

Level	Averaging Time	Description
9 ppm	8-hour	Not to be exceeded more than once per year.
35 ppm	1-hour	Not to be exceeded more than once per year.

CARBON MONOXIDE (CO) LEVELS 2005 - 2014 (ppm)											
Site Name		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
LCC - Downtown Eugene	Highest 8-hour	2.5	2.1	2.2	1.7	1.6	1.5	---	---	---	---
	2nd high 8-hour	2.3	2	2.1	1.7	1.6	1.3	---	---	---	---
	# Exceedances	0	0	0	0	0	0	---	---	---	---
Sacred Heart Hospital	Highest 8-hour	2.7	---	---	---	---	---	---	---	---	---
	2nd high 8-hour	2.7	---	---	---	---	---	---	---	---	---
	# Exceedances	0	---	---	---	---	---	---	---	---	---

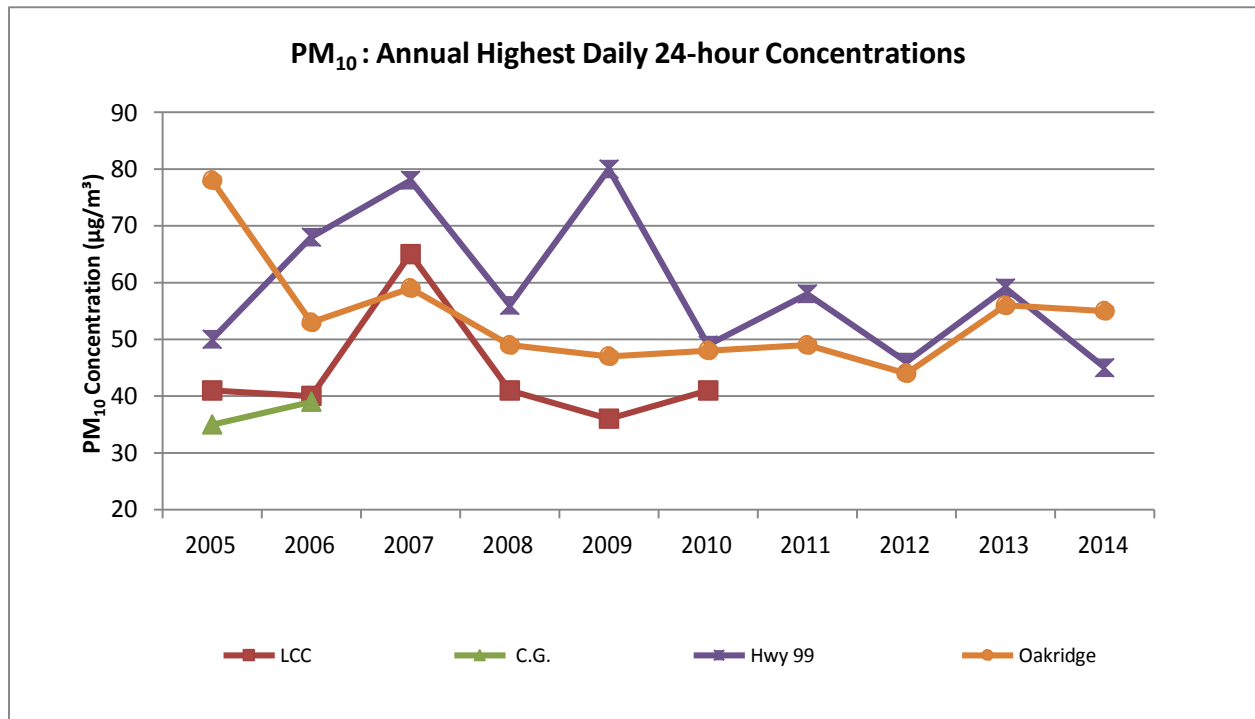


PARTICULATE MATTER DATA – PM₁₀

EPA has designated the following National Ambient Air Quality Standards (NAAQS) for PM₁₀:

Level	Averaging Time	Description
150 µg/m ³	24-hour	Not to be exceeded more than once per year on average over 3 years.

24-HOUR AVERAGE PM ₁₀ LEVELS 2005 - 2014 (µg/m ³)											
Site Name		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
LCC–Downtown Eugene	Highest 24-hour	41	40	65	41	36	41	---	---	---	---
Harrison School Cottage Grove	Highest 24-hour	35	39	---	---	---	---	---	---	---	---
Hwy 99 - Four Corners	Highest 24-hour	50	68	78	56	80	49	58	46	59	45
Oakridge	Highest 24-hour	78	53	59	49	47	48	49	44	56	55

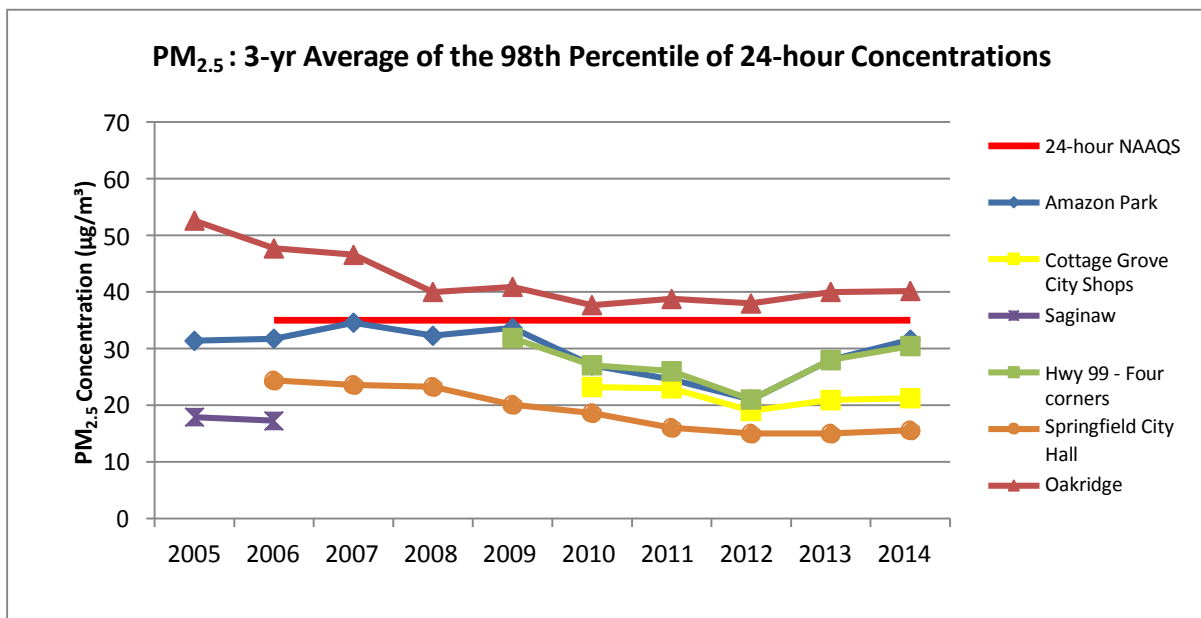


PARTICULATE MATTER DATA – PM_{2.5}

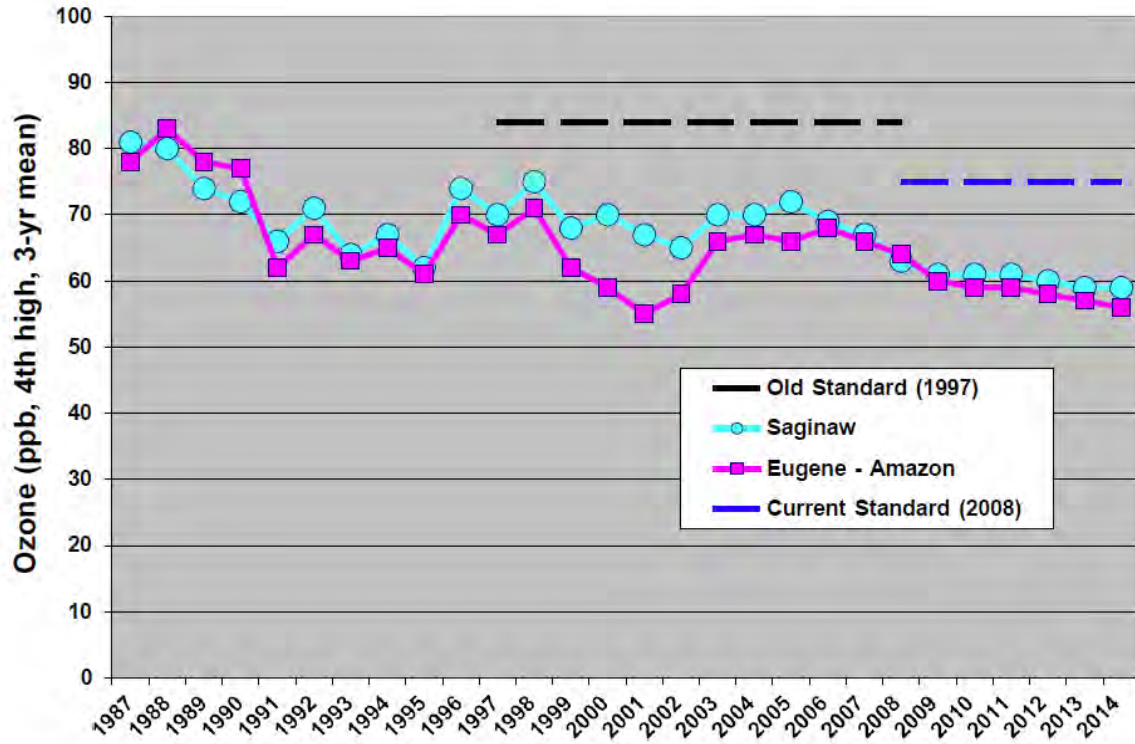
EPA has designated the following National Ambient Air Quality Standards (NAAQS) for PM_{2.5}:

Level	Averaging Time	Description
12.0 µg/m ³	Annual (Arithmetic Average)	To attain this standard, the 3-year average of the annual mean PM _{2.5} concentrations from monitors must not exceed 12.0 µg/m ³ (effective December 14, 2012).
35 µg/m ³	24-hour	To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations must not exceed 35 µg/m ³ (effective December 17, 2006).

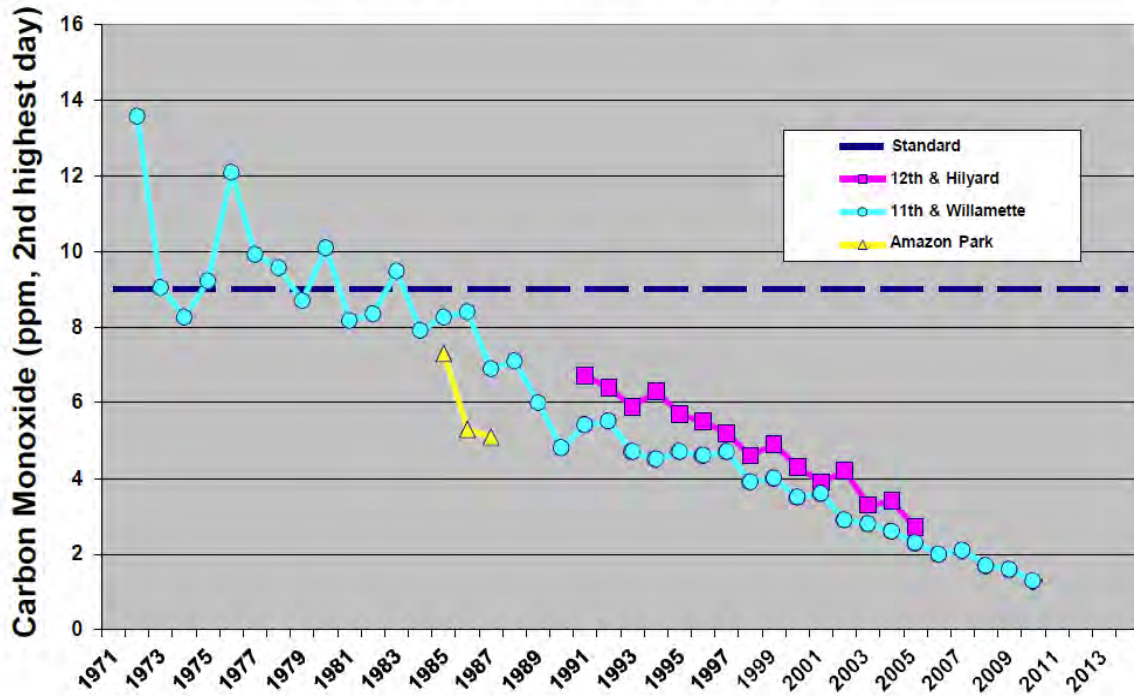
24-HOUR AVERAGE PM _{2.5} LEVELS 2005 - 2014 (µg/m ³)											
Site Name		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Amazon Park	Annual mean	9.1	8.3	7.4	7.8	8.5	5.8	6.5	6.4	7.8	7.2
	Highest 24-hour	39.6	43.3	43.0	40.0	59.9	21.0	24.6	31.6	51.9	35.5
	Annual 98 th %-ile	35.6	31.8	36.3	28.7	35.9	16.5	21.2	25.4	38.6	30.7
	3 year 98th %-ile	31	32	35	32	34	27	25	21	28	32
Cottage Grove City Shops	Annual mean	---	---	---	8.1	8.5	6.9	7.1	6.7	7.5	7.0
	Highest 24-hour	---	---	---	31.8	33.6	21.1	32.1	24.7	38.1	34.0
	Annual 98 th %-ile	---	---	---	21.1	30.2	18.3	20.4	17.0	25.4	21.3
	3 year 98th %-ile	---	---	---	---	---	23	23	19	21	21
Saginaw	Annual mean	6.8	5.5	---	---	---	---	---	---	---	---
	Highest 24-hour	24.7	16.6	---	---	---	---	---	---	---	---
	Annual 98 th %-ile	17.9	16.6	---	---	---	---	---	---	---	---
	3 year 98th %-ile	16	16	---	---	---	---	---	---	---	---
Hwy 99 - Four Corners	Annual mean	---	---	8.4	8.3	8.2	6.3	10.0	6.5	8.3	7.1
	Highest 24-hour	---	---	53.5	32.4	47.9	22.9	26.7	30.0	54.6	43.6
	Annual 98 th %-ile	---	---	33.9	25.3	36.4	19.5	22.1	20.6	40.2	30.5
	3 year 98th %-ile	---	---	---	---	32	27	26	21	28	30
Springfield City Hall	Annual mean	8.0	7.4	6.8	6.9	6.8	5.8	5.6	5.5	6.3	6.4
	Highest 24-hour	32.1	30.2	38.6	32.3	21.9	17.9	18.8	18.3	18.8	35.6
	Annual 98 th %-ile	24.5	27.8	18.4	23.5	18.3	14.0	14.8	15.3	17.2	14.2
	3 year 98th %-ile	---	24	24	23	20	19	16	15	16	16
Oakridge	Annual mean	12.8	11.1	10.5	11.5	11.0	8.9	10.0	7.6	9.8	10.1
	Highest 24-hour	73.0	47.0	52.5	43.5	44.1	43.1	47.9	49.9	54.9	46.1
	Annual 98 th %-ile	58.4	38.6	42.7	38.7	41.3	33.0	42.0	38.4	41.0	41.1
	3 year 98th %-ile	53	48	47	40	41	38	39	38	40	40



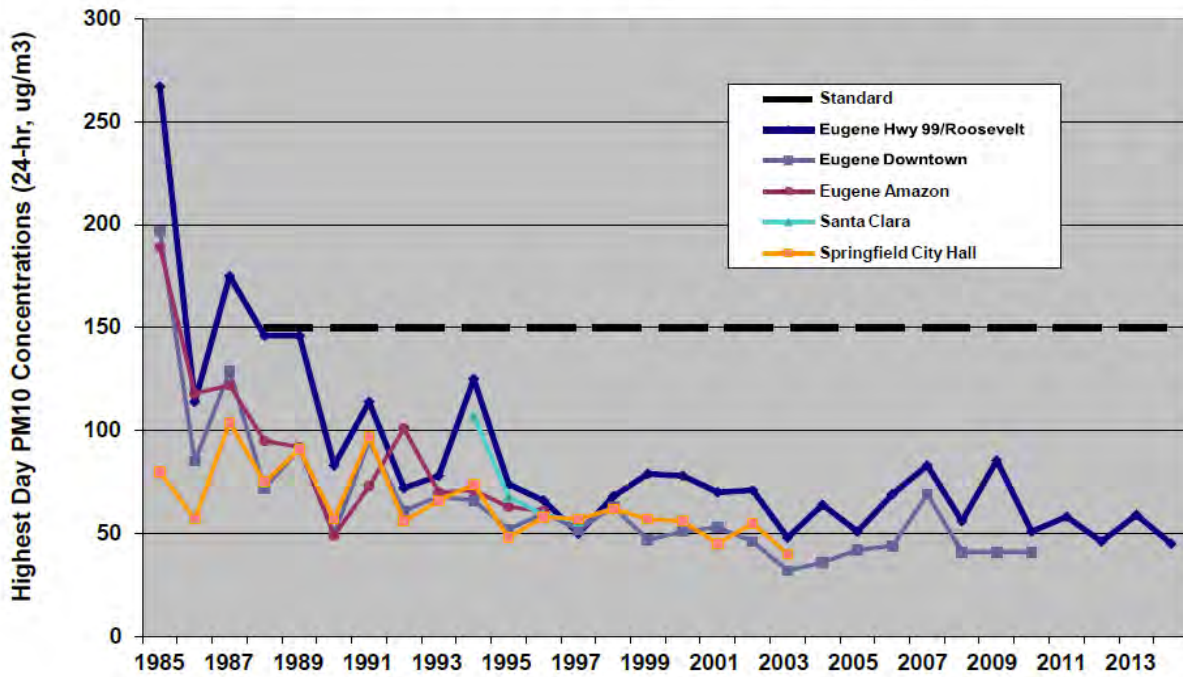
Ozone in Lane County



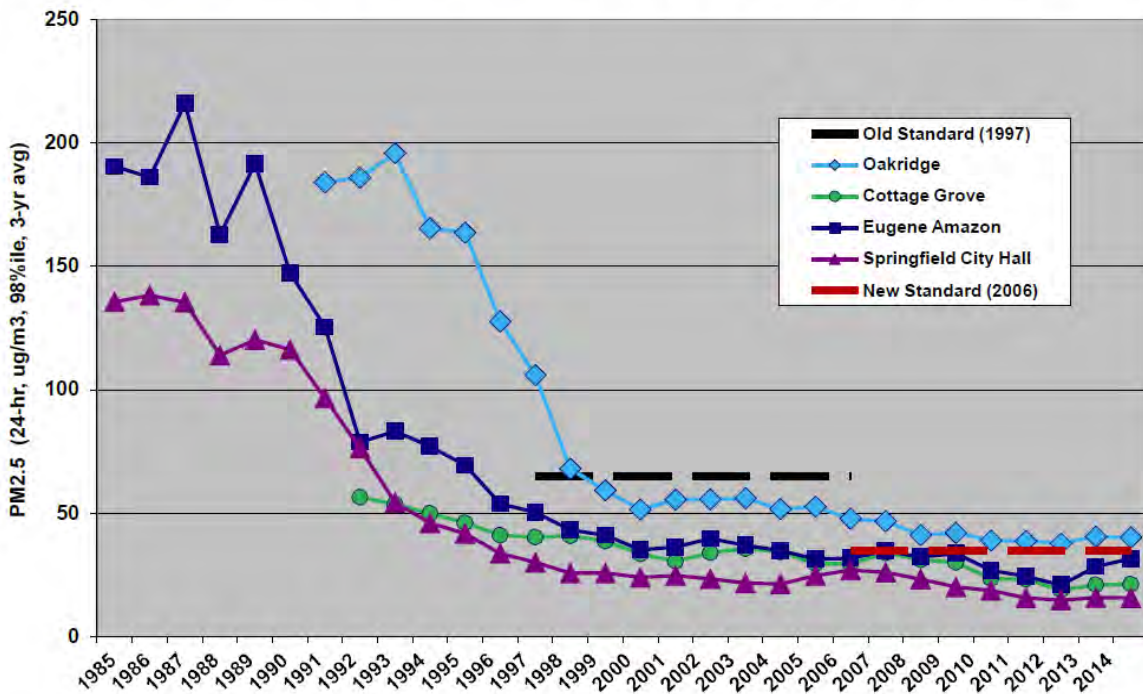
Carbon Monoxide in Eugene

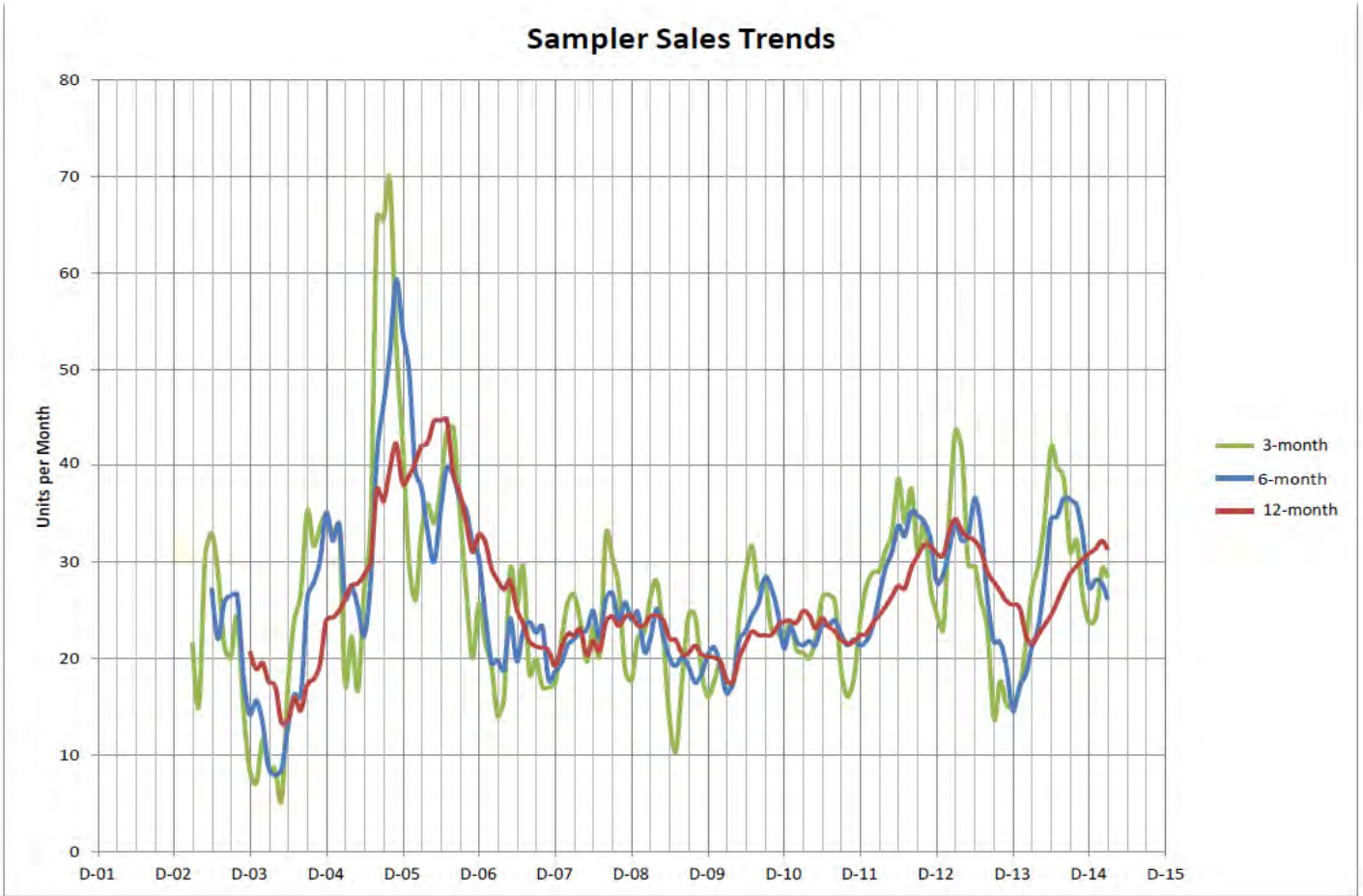


Inhalable Particulate Matter (PM10) in Eugene-Springfield



Respirable Particulate Matter (PM2.5) in Lane County







Protecting Air Quality in Eugene

Eugene City Council Work Session

**by Merlyn Hough, Director
Lane Regional Air Protection Agency
May 20, 2015**

Lane County Air Quality

- Lane County is about the size of Connecticut, stretching from the Oregon Cascades to the Pacific Coast, with several distinct airsheds within it.
- The airsheds of Lane County include a mix of:
 - air quality nonattainment areas,
 - air quality maintenance areas, and
 - air quality attainment areas.
- Lane County has the only local air quality agency (LRAPA) in Oregon, whereas Washington and California have local air agencies throughout.

LRAPA Overview

- **Lane Regional Air Protection Agency (LRAPA) was formed in 1968 to more effectively and efficiently locally manage and improve air quality in the region.**
- **LRAPA and its partners have been remarkably successful in meeting air quality health standards on or ahead of schedule.**
- **Achieving air quality health standards is important not only for protecting public health and the environment, but also for economic development.**

Lane Regional Air Protection Agency

Vision:

Community partners working together to ensure clean air for everyone

Mission:

To protect public health, quality of life and the environment as a leader and advocate for the continuous improvement of air quality in Lane County

Four Goals of the Lane Regional Air Protection Agency:

1. Air Quality

Our goal is to ensure healthful air quality for all Lane County citizens.

2. Involvement

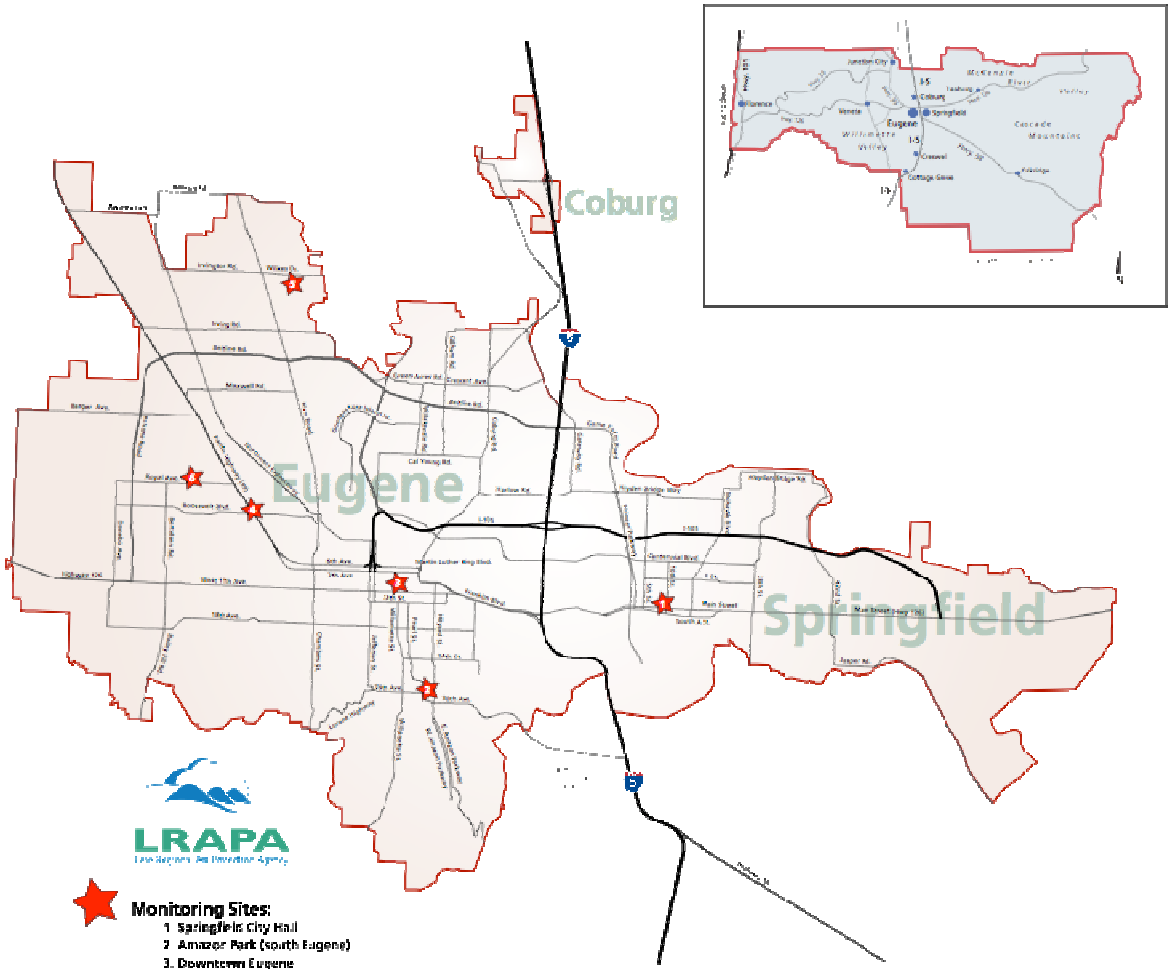
Our goal is to inform and involve citizens and businesses in improving air quality.

3. Service

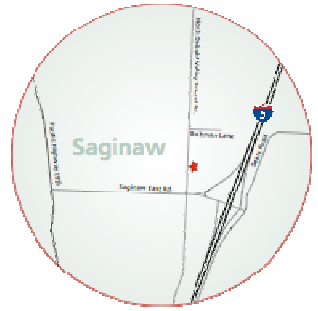
Our goal is to serve citizens and other stakeholders fairly, courteously, and in a timely manner.

4. Partnerships

Our goal is to work with our partners to leverage resources to make a difference in local air quality.



- Monitoring Sites:**
1. Springfield City Hall
 2. Amazon Park (south Eugene)
 3. Downtown Eugene
 4. West Eugene (Highway 99 and Roosevelt Blvd.)
 5. Santa Casa (nursing home only, north Eugene)
 6. Peterson Park (Royal Avenue)



Monitoring Site
Saginaw (Delight Valley)
(Inventory Site #2)

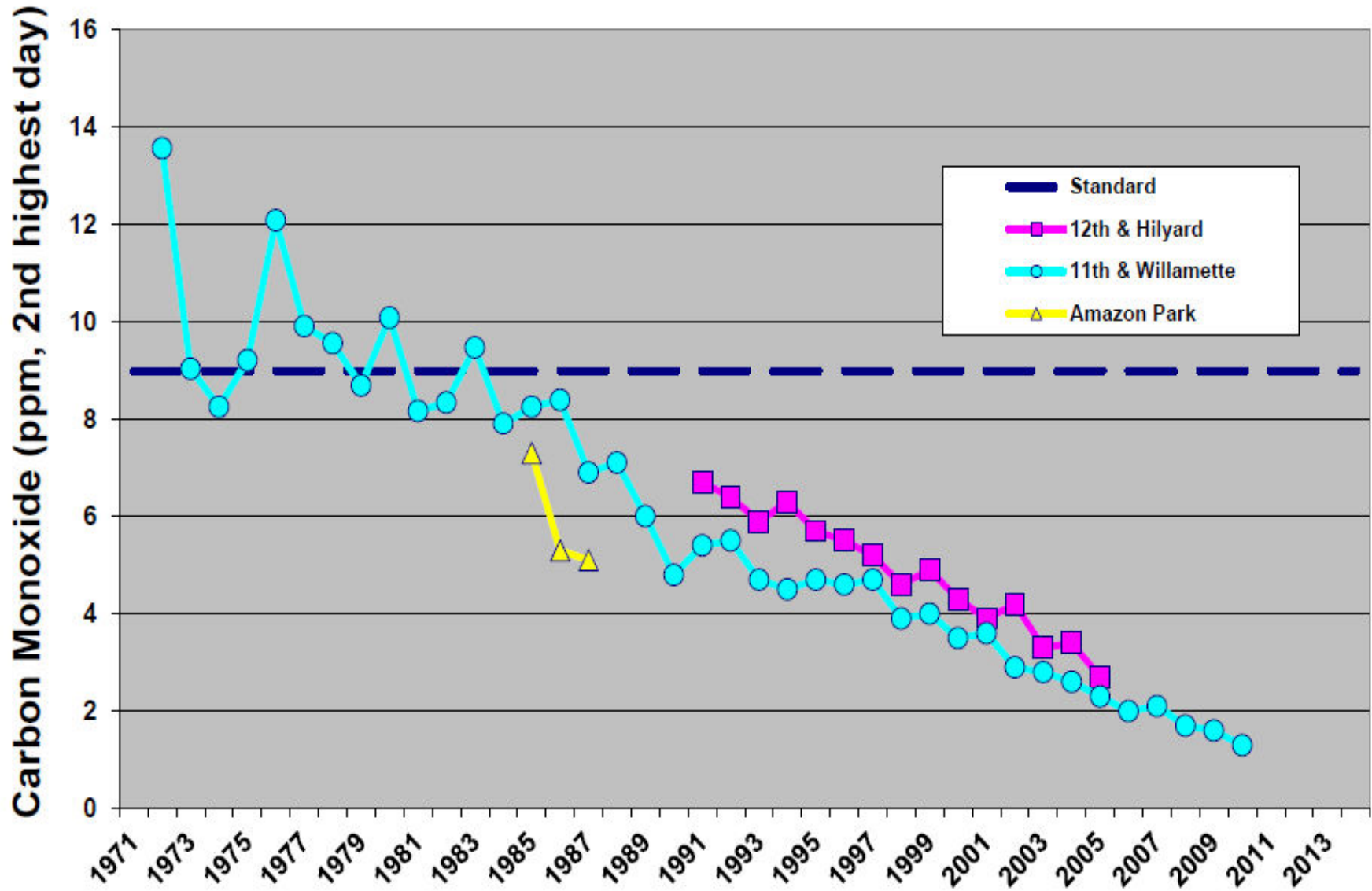


Monitoring Site
Oakridge Community Center

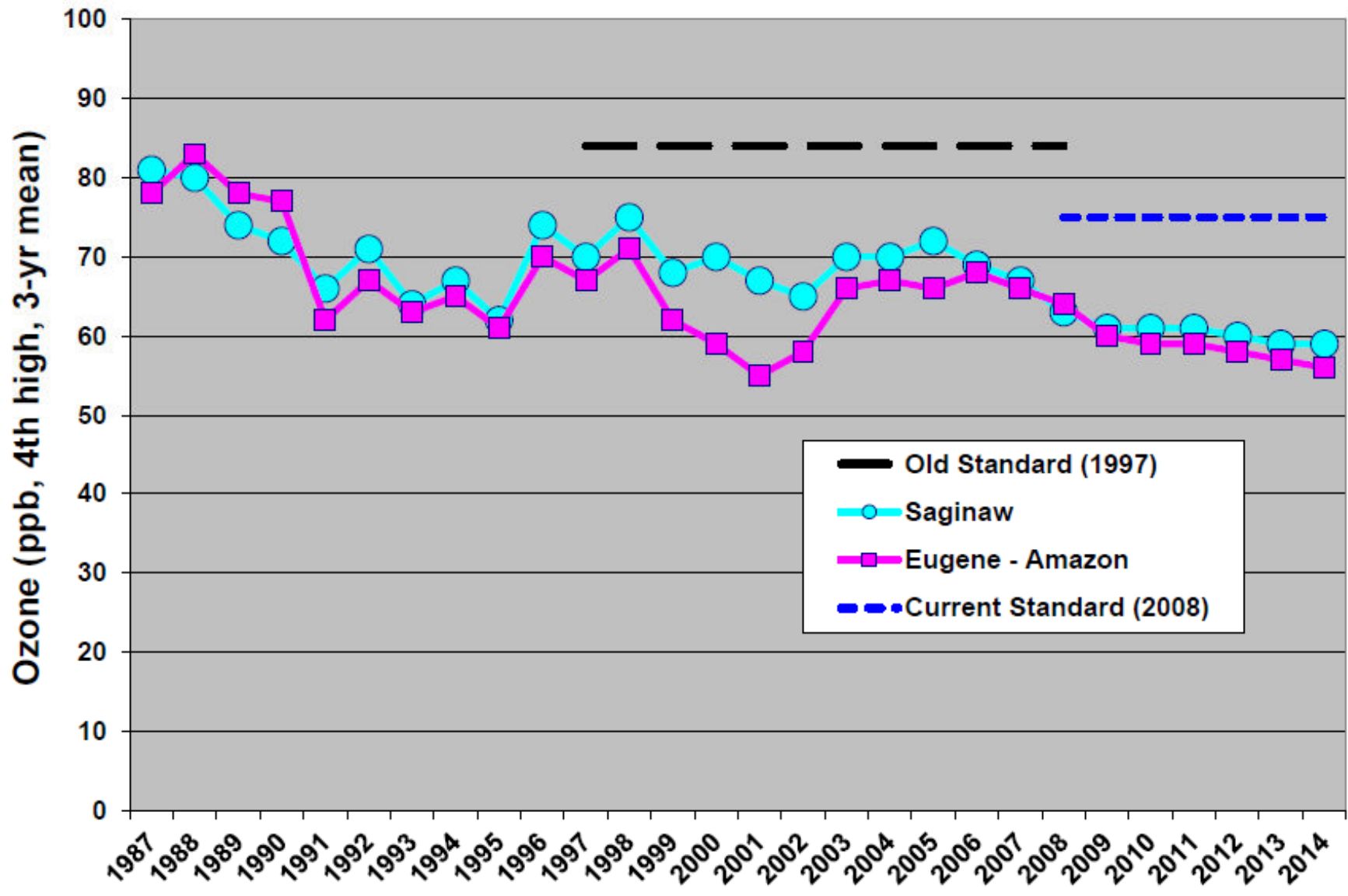


Monitoring Site
Cottage Grove Public Works

Carbon Monoxide in Eugene

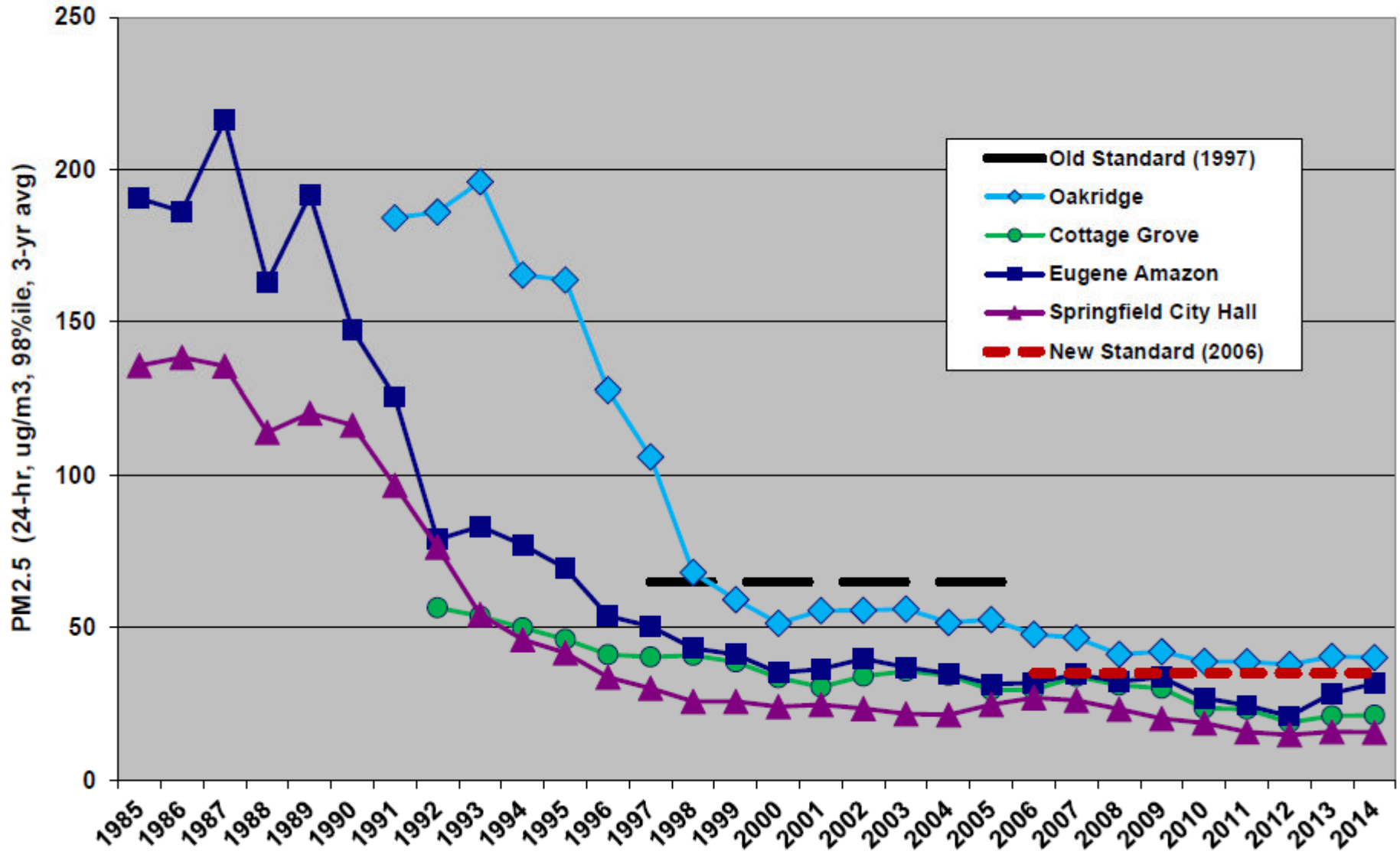


Ozone in Lane County



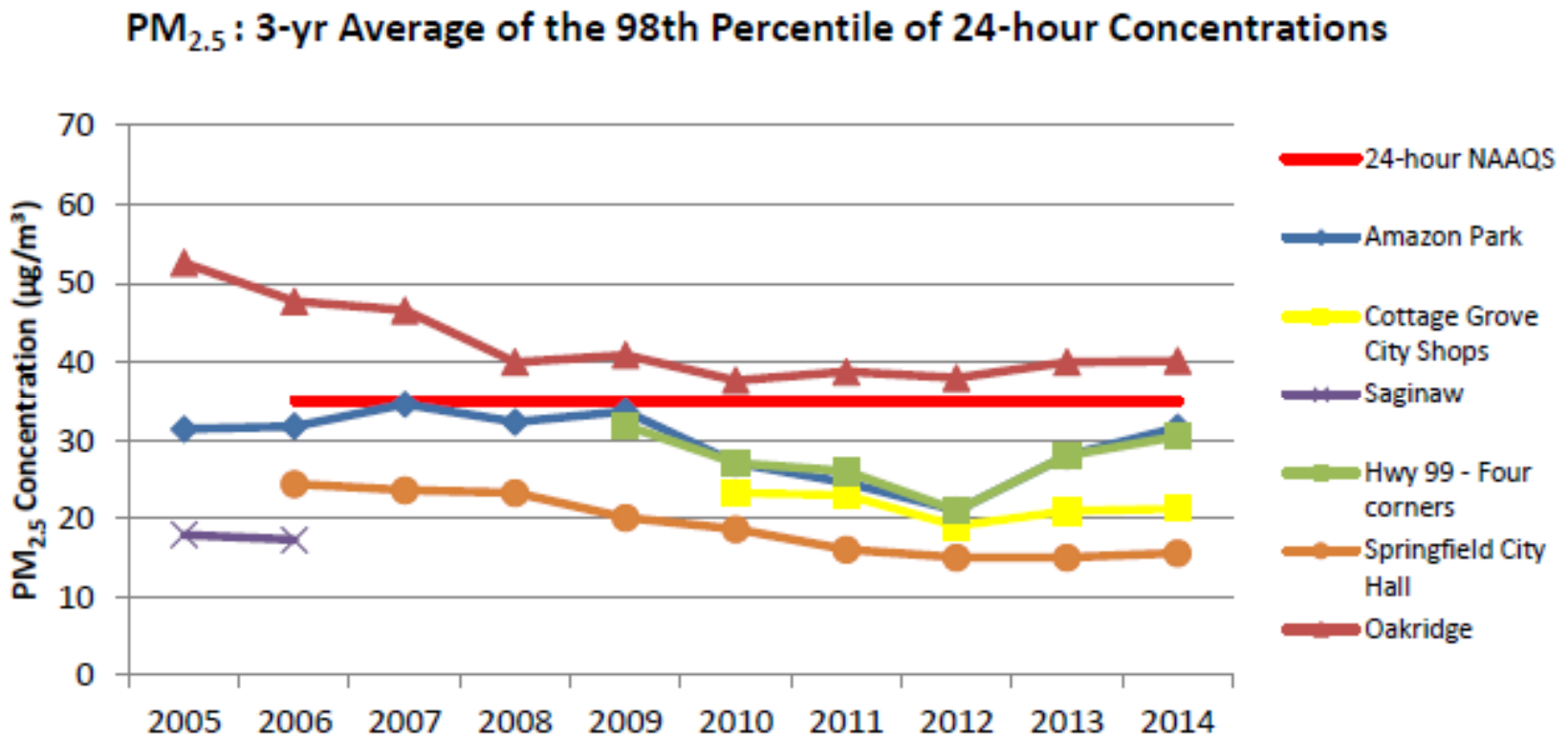
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Respirable Particulate Matter (PM2.5) in Lane County



-51-

The most recent decade of PM_{2.5} trends:



Air Quality Complaints in Lane County:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015*
Dust	17	35	33	6	21	21	34	33	44	30	14	3
Ag/Field Burning	103	330	576	341	101	24	9	13	1	17	4	2
General Air Quality	2	8	7	63	14	21	2	6	6	26	30	5
Home Wood Heating	82	80	89	82	130	113	62	135	95	219	121	126
Industry	880	768	465	327	231	270	265	169	128	122	127	19
Open Burning	163	179	169	390	293	277	268	341	268	321	279	115
Slash Burning	8	31	41	33	25	3	5	16	7	5	7	5
Miscellaneous	66	75	95	109	137	61	77	101	79	52	57	25
Unknown	110	97	105	124	59	25	12	25	17	14	35	13
Total	1525	1719	1643	1496	1011	815	734	839	645	806	674	313

* Year-to-date.

Local Ordinance Services Provided by LRAPA:

Eugene	Springfield	Cottage Grove	Oakridge	UGBs	Rest of Lane	Total	Local Ordinance Services
\$152,017	\$37,934	\$28,151	\$128,060	\$14,952	\$17,943	\$379,057	Monitoring & Reporting
\$55,634	\$42,709	\$8,808	\$6,205	\$33,107	\$66,582	\$213,045	Ordinances Implementation
\$24,103	\$4,165	\$2,333	\$333	\$4,998	\$8,219	\$44,151	Other Complaints Response
\$20,133	\$7,471	\$1,211	\$480	\$3,619	\$11,543	\$44,457	Progress Reporting
\$251,887	\$92,279	\$40,503	\$135,078	>>>	\$160,963	\$680,710	All Local Ordinance Services
\$99,870	\$54,345	\$12,352	\$7,018	>>>	\$143,020	\$301,653	All Services Except Monitoring

Local Ordinance Services Provided by LRAPA:

- Including monitoring & reporting: \$680,710 per year.

- Eugene: \$251,887
- Springfield: \$92,279
- Cottage Grove: \$40,503
- Oakridge: \$135,078
- Lane County: \$160,963

- Excluding monitoring & reporting: \$301,653 per year.

- Eugene: \$99,870
- Springfield: \$54,345
- Cottage Grove: \$12,352
- Oakridge: \$7,018
- Lane County: \$128,068

LRAPA Title 43: Rules for Asbestos General Policy

- **The board finds and declares that certain air contaminants for which there is no ambient air standard may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness, and are therefore considered to be hazardous air contaminants. Under Section 112 of the Federal Clean Air Act, the federal EPA has declared asbestos to be hazardous. Title 43 contains requirements for handling of asbestos.**

LRAPA Title 43: Rules for Asbestos

A few definitions

- **“Asbestos”** means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cumingtonite-grunerite (amosite), anthophyllite, actinolite and tremolite.
- **“Asbestos Abatement Project”** means any demolition, renovation, repair, construction or maintenance activity of any public or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling, disturbance or disposal of any material with the potential of releasing asbestos fibers from asbestos-containing material into the air.
- **“Asbestos-Containing Material”** means asbestos or any material, including particulate material, that contains more than 1% asbestos as determined using the method specified in 40 CFR Part 763, Polarized Light Microscopy.

LRAPA Title 48: Rules for Fugitive Emissions General Policy

- In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of the Lane Regional Air Protection Agency to require the application of reasonable measures to minimize fugitive emissions to the greatest extent practicable.

LRAPA Title 48: Rules for Fugitive Emissions Applicability

- Except for agricultural activities which are exempted by state statute, these rules apply to all sources of fugitive emissions within Lane County.
- Examples of sources affected by these rules are:
 - Construction activities including land clearing and topsoil disturbance;
 - Demolition activities;
 - Unpaved traffic areas and parking lots where there are nuisance conditions;
 - Material handling and storage operations;
 - Mining and yarding activities including access and haul roads;
 - Storage piles of dusty materials;
 - Manufacturing operations.

LRAPA Title 48: Rules for Fugitive Emissions General Requirements

- **No person shall ... permit any materials to be handled, transported, or stored ... without taking reasonable precautions to prevent particulate matter from becoming airborne.**
- **Such reasonable precautions shall include, but not be limited to the following:**
 1. **Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;**
 2. **Application of asphalt, approved road oil, water, or other suitable chemicals on unpaved roads, material stockpiles, and other surfaces which can create airborne dusts; ...**

LRAPA Title 48: Rules for Fugitive Emissions

General Requirements: Reasonable Precautions (cont.)

- **Such reasonable precautions shall include, but not be limited to the following: ...**
 3. **Full or partial enclosure of materials stockpiles in cases where application of oil, water or chemicals is not sufficient to prevent particulate matter from becoming airborne;**
 4. **Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;**
 5. **Adequate containment during sandblasting or other similar operations;**
 6. **The covering of moving, open-bodied trucks transporting materials likely to become airborne;**
 7. **The prompt removal from paved streets of earth or other material which does or may become airborne.**

Reminder: Diversity of air quality complaints:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015*
Dust	17	35	33	6	21	21	34	33	44	30	14	3
Ag/Field Burning	103	330	576	341	101	24	9	13	1	17	4	2
General Air Quality	2	8	7	63	14	21	2	6	6	26	30	5
Home Wood Heating	82	80	89	82	130	113	62	135	95	219	121	126
Industry	880	768	465	327	231	270	265	169	128	122	127	19
Open Burning	163	179	169	390	293	277	268	341	268	321	279	115
Slash Burning	8	31	41	33	25	3	5	16	7	5	7	5
Miscellaneous	66	75	95	109	137	61	77	101	79	52	57	25
Unknown	110	97	105	124	59	25	12	25	17	14	35	13
Total	1525	1719	1643	1496	1011	815	734	839	645	806	674	313

* Year-to-date.

Summary

- The intergovernmental agreement to form LRAPA in 1968 has allowed local governments to more effectively and efficiently reduce air pollution and improve air quality within Lane County.
- LRAPA and its stakeholders have been remarkably successful in meeting air quality health standards on or ahead of schedule.
- Achieving air quality health standards is important not only for protecting public health and the environment, but also for economic development.



LRAPA

Lane Regional Air Protection Agency

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Healthy Downtown and Public Smoking

Meeting Date: May 20, 2015
 Department: Planning & Development/LRCS
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Sarah Medary
 Contact Telephone Number: 541-682-8817

ISSUE STATEMENT

The City Council has requested a work session to discuss expanding smoke-free areas in downtown Eugene. Information collected from other communities, local assessments, and stakeholder interviews will be presented along with key considerations to help inform next steps in supporting a healthy and welcoming downtown for everyone while reducing the impact of tobacco and secondhand smoke on the community.

BACKGROUND

Tobacco is the leading cause of preventable death in the United States, Oregon, and Lane County. Tobacco-related diseases kill approximately 7,000 Oregonians each year and nearly 700 people a year in Lane County alone. An additional 600 deaths are caused by secondhand smoke each year across the state. Surveys indicate that 75 percent of Lane County residents believe it is important to be protected from secondhand smoke outdoors.

Preventing and reducing the impact of tobacco in Lane County is one of the top five priorities of the local Community Health Improvement Plan (CHIP). Evidence shows that increasing tobacco and smoke-free environments is one of the most effective ways to reduce tobacco use and prevent secondhand smoke exposure.

The City of Eugene has a long-standing commitment to both the health and quality of life of community members. As part of that commitment, Eugene has historically been a state leader in championing efforts that reduce the impact of tobacco and secondhand smoke. In 2000, the City's Smoke-Free Workplace Ordinance made Eugene the second city in Oregon to ensure everyone, including those working in restaurants and bars, was protected from secondhand smoke while at work. In 2001, Eugene's Youth Access to Tobacco Ordinance established tobacco retail licensing to help ensure tobacco is not sold to underage youth. More recently, in 2010, the council passed an ordinance to create smoke-free grounds surrounding City-owned buildings that provide services to children, such as the Eugene Public Library.

Due to the enormous cost of tobacco use to society and individuals, there is an increasing trend for businesses and governments to adopt policies regulating smoking or tobacco use in outdoor

public spaces nationally and in Oregon. In Oregon, 18 cities 10 park districts, and five counties have created smoke-free parks and open spaces. Salem, Oregon, recently passed an ordinance that allows smoking to be prohibited on sidewalks and landscape strips within public rights-of-way that are adjacent to properties where smoking is prohibited as a policy of the property owner. Cities including Boulder, Colorado, Fort Collins Colorado, Syracuse, New York, Ithaca, New York, Burlington, Vermont, Boise, Idaho, and San Rafael, California, have passed ordinances creating smoke-free outdoor areas in their city centers and downtowns.

Over the last five years, Eugene's downtown has been transformed, bringing more people, visitors, and families to the core of the city. During that time, more than \$220 million dollars of public and private investments have gone into revitalizing the physical and economic landscape resulting in dozens of new businesses, hundreds of new residents, and a considerable increase in downtown visitors and pedestrians. In addition, the City has focused on developing year-round programs and events that attract residents, visitors, and families to the city center. The City and its partners have made significant investments to support a welcoming and vibrant downtown experience that everyone can enjoy.

Current ordinances do not allow smoking within 10 feet of any public doorway or within 25 feet of the entrances to government buildings throughout Eugene. While these ordinances provide some level of protection from secondhand smoke indoors, they do not address outdoor smoking in high use pedestrian areas, such as downtown sidewalks and public spaces.

City staff have partnered with Lane County Public Health to gather additional information related to potential policies to expand smoke-free areas in downtown and important considerations to ensure these efforts are equitable and effective. Staff will present lessons learned from other communities that have created smoke-free public areas as well as data collected locally from assessments and key informant interviews (see Attachments A and B).

RELATED CITY POLICIES

City Council Goals

Safe Community - A community where all people are safe, valued and welcome.

- Greater sense of safety (especially downtown)

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step - Urban Vitality

As we foster a creative economy, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

This is an informational work session.

CITY MANAGER'S RECOMMENDATION

This is an informational work session. No recommendation is proposed at this time.

SUGGESTED MOTION

This is an informational work session. No motion is proposed at this time.

ATTACHMENTS

- A. Healthy Downtown Eugene: Assessment Data - Phase1: Key Informant Interviews and Observational Study of Outdoor Smoking
- B. Interview List of Community Members Engaged in Discussion of Healthy Downtown

FOR MORE INFORMATION

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Healthy Downtown Eugene

Assessment Data, Phase I:
Key Informant Interviews &
Observational Study of Outdoor Smoking



Prepared by:



Winter 2014

Item B.

Healthy Downtown Eugene

**Assessment Data, Phase I:
Key Informant Interviews &
Observational Study of Outdoor Smoking**

February 27, 2014

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Background

To assist with the implementation of the Lane County Community Health Improvement Plan in Eugene, the Lane County Public Health Division contracted with the Rede Group to conduct an assessment of health indicators and readiness for policy change in downtown Eugene. This first phase of this assessment consisted of two data collection projects:

- Key informant interviews were completed with nine leaders from downtown Eugene, mostly business owners.
- An observational study was conducted in downtown Eugene, collecting data on smoking in outdoor areas.

The observational study of outdoor smoking in downtown Eugene further informs the Community Health Improvement Plan, recently completed by the Lane County Public Health Division, working with a diverse set of community members. The purpose of the plan – creating a healthy, vibrant community – aligns with the goals for downtown Eugene.

While the momentum around government and business investment in downtown Eugene and a rejuvenated city center continues to build, community leaders want to ensure a welcoming and vibrant downtown experience. One of the greatest challenges of this task involves reconciling common interests among business owners, residents, and visitors about how to promote public spaces that can be considered accessible and safe to the diversity of individuals that frequent downtown.

Findings from this assessment indicate that certain congregations of people in the downtown area can be intimidating to visitors patronizing businesses. Acknowledging that increased smoke-free regulations may impact these congregations of people, a solution that considers the complex nature of urban downtown environments will require a comprehensive, multi-faceted and collaborative approach by the city of Eugene and its community partners.

Section I: Key Informant Interviews

Key informant interviews were conducted with leaders from downtown Eugene to help understand the perspectives of downtown businesses and institutions about how to create a healthy, safe, and welcoming downtown environment. Lane County Public Health staff, in consultation with Planning and Development Department staff, created the list of 14 individuals to be interviewed. Interviews were completed with 9 of the 14 (64%) individuals. A list of the people interviewed can be found in Appendix A.

Rede Group staff conducted the interviews by telephone from December 6-20, 2013. Each telephone interview lasted approximately 15-20 minutes. The interviews included questions about business operations and aspects of downtown Eugene that promote or hinder healthy living, such as smoking and walkability. The interview questionnaire can be found in Appendix B. Interviewees were informed that their answers would be anonymous and their names would not be attached to specific answers. Each interviewee was also asked permission to be listed by name in the Appendix as someone interviewed for this project. Interviewees who wished for their names not to be published are listed as 'Anonymous'.

Business Operations

The nine individuals surveyed were business owners or high-level managers within other types of institutions. These individuals represented various aspects of downtown activities, such as retail sales, restaurants and bars, performance venues, and education. Almost all the people interviewed have worked in downtown Eugene for more than 10 years. Some people worked at institutions that have been in downtown for 20 years or more.

The busiest times of day varied by type of business. Performance venues were more likely to be used in the evenings, while retail sales were busier during the day. The busy times for restaurant and bar sales depended on the types of food and beverages sold.

Similarly, the months for the highest business revenue varied greatly. Winter was often a slower season, though Christmas can increase sales at some businesses. Summer was either a busier or slower season, depending on the type of business. Business sales can increase around special events, such as the Oregon Bach Festival and the spring graduation at the University of Oregon.

The clientele of the businesses usually represented a wide-range of ages, from children around 10 years old to people over 80 years old. Some businesses catered more to a young adult population (15-35 years old).

Recent Improvements to Downtown Eugene

Most respondents said that the recent efforts to improve downtown Eugene had been successful, with statements such as:

“Things have improved, undoubtedly.”

“Now that there is new vitality in businesses downtown, things are changing.”

“Things are moving toward the positive in downtown Eugene.”

Some respondents mentioned that the police on bicycles have been a big help. The “red hat guys,” downtown guides employed by Downtown Eugene, Inc., were also seen as helpful. One business owner said that there should be more publicity about what the city is doing to improve the downtown area and how it is now a more hospitable place to be, work, and live.

From the business perspective, the discussion of improving the downtown area included a major focus on issues related to congregations of people downtown who are not patronizing businesses, many of whom experience homelessness, and may struggle with mental illness, substance use or other disabilities. These issues are part of on-going discussions throughout Eugene, one currently without solution. However, one respondent was hopeful that more businesses downtown will help to further progress, “It has only been since summer. Give it another year, and more good things will happen.”



Figure 1: People congregating in Kesey Square

Downtown Eugene and Health

Almost all of the respondents thought that health and wellness were important to their customers, clients, or patrons. Some businesses cater to a broad demographic of customers, so some customers are thinking about health while others are not. A couple respondents said that Eugene as a whole, not just downtown, might have a greater interest in health than other areas.

One respondent mentioned the benefits of in-person interactions with other people in downtown. There is less of this face-to-face engagement in other retail areas, such as strip malls. Underscoring the dichotomous situation that faces downtown Eugene, one person reflected that, “A healthy urban environment welcomes all walks of life.” In addition, downtown environments have more exposure to open areas and fresh, healthy air.

On the contrary, “all walks of life” as we heard from some business owners is what they believe creates an undesirable downtown environment.

Many respondents had a very broad definition of health, ranging from clinical care to health behaviors, to spiritual health and community well being:

Clinical care – access to health insurance and health care; people in Eugene are open to alternative medicine; had a person attend Cover Oregon training to help people enroll in healthcare coverage

Health behaviors – lifestyle; with a nice staircase, more people are using the stairs; quality of life supports health improvement; encourage water consumption; offer foods that fit different dietary restrictions; promotion of alternate forms of transportation, including a bike loan program

Spiritual health – people attend the arts in part for a need for spiritual and emotional health; a variety of entertainment is critical for health

Community well being – powerful sense of community, within the business’s staff as well as the broader Eugene community

Secondhand Smoke

Both Eugene ordinance and Oregon law mandate that smoking is not allowed in indoor workplaces and smoking is not allowed outdoors within 10 feet of doorways, operable windows, or ventilation intakes. In addition, the Eugene ordinance extends the 10 feet rule to 25 feet for publicly owned buildings.

Given current law, respondents were split on whether exposure to secondhand smoke is an issue for customers in outdoor areas of downtown Eugene. Some respondents said that secondhand smoke was a nuisance downtown, but they did not think people were not walking around because of the smoking. Two respondents discussed that smokers are often seen outside hospitality businesses – bars, nightclubs, restaurants, and hotels. No one said that secondhand smoke was not a health hazard generally.

One business has its employees smoke around the corner in an alley, and another business has its employees smoke in the back, behind the building.

Some respondents said that inappropriate disposal of cigarette butts can be a problem. Some businesses have to clean up cigarette butts around their buildings on a daily basis. Downtown Eugene, Inc. has a morning crew that cleans up sidewalks where there is a lot of cigarette debris. For one business, moving the smoking area farther away from where the public walks ameliorated the issue of cigarette butts and secondhand smoke.

Current Smoke-free Areas

A Eugene city ordinance does not allow smoking within 10 feet of any doorway. In an observational study of downtown Eugene (see Section II), 26% of smokers were located within 10 feet of a doorway. The Eugene ordinance also prohibits smoking within 25 feet of entrances to



Figure 2: Cigarette butts in a flower planter



Figure 3: LCC has a smoke-free campus

government buildings. In this study, respondents were inconsistent in describing these laws, with different respondents saying that smoking is not allowed within 10 feet, 15 feet, or 20 feet of doorways. Some respondents said that enforcement of the 10 foot rule is not consistent.

Nationwide and within the state of Oregon there is an increasing trend for businesses and governments to adopt policies regulating smoking or tobacco use in outdoor public spaces. This has also been the case in Lane County, with most of this regulation occurring in Eugene. In 2010, the City of Eugene responded to complaints by the public about secondhand smoke exposure outside the Eugene Public library by updating the smokefree workplace ordinance to include a prohibition on smoking on the entire property surrounding the library. Also in 2010, Lane Community College passed a tobacco-free campus policy banning tobacco use in the core of its 30th Ave main campus and eliminating it completely at its satellite campuses (Cottage Grove, Florence, and downtown Eugene). Other Eugene area businesses/government entities with smoke-free or tobacco-free outdoor property policies in place include: University of Oregon, PeaceHealth Oregon Region, Lane County Health & Human Services, PacificSource, United Way of Lane County, Trillium Community Health Plans, Oregon Research Institute, and Planned Parenthood.

Increasing public demand for smokefree outdoor environments is also leading to the voluntary adoption of smokefree policies by outdoor event organizers. For example, the three-day Eugene Celebration event in August, which is primarily located on three city blocks, does not allow smoking inside the event area. The Eugene Saturday Market has a long-standing rule not allowing artists/vendors to smoke in the market. Starting last September (2013), the market has not allowed customers to smoke. No smoking signs were posted at entrances to the market, and event coordinators report that enforcement has gone smoothly.

Customer Support for Regulation of Smoking

Interviewees were asked if they thought their customers would support an ordinance to further regulate smoking in downtown Eugene. Most thought that customers would generally support further regulation, but the issue would be contentious. One respondent joked that, “51% would favor it and 49% would oppose, which is true for most things here in Eugene.” A couple respondents said that it is hard to know what customers think about regulating smoking because there may be different perspectives and it is not an issue that is currently being discussed much.

Some respondents indicated that customers would support regulation of smoking for the obvious health reasons, and that smoke-free environments support the values of the community. One respondent said, “I hear more complaints about smoking. Don’t hear complaints about not being allowed to smoke.” Others said that smoking regulations might help address factors that contribute to/create what is perceived as an intimidating climate for some customers, such as people lingering downtown and/or littering with cigarette butts. Some respondents thought further smoking regulations would be one reason for people who are not patronizing businesses downtown to no longer congregate in the area.

Respondents mentioned that smokers would not like further regulation of smoking. In particular, people who attend bars at night are used to the culture of smoking outside on sidewalks. Others indicated that there would be some homeless activists who would oppose regulation of smoking.

Respondents' Support for Regulation of Smoking

Different respondents indicated various levels of support or lack of support for further smoking regulation. And, as one respondent summarized, "It would be important how it was done. I suspect there are a series of best practices from other places that have undertaken a similar ban – we should find out what works."

The most common responses were support for a total ban and support for a ban that included designated smoking areas. Some statements in support of further smoking regulations included:

"We need more disincentives to smoke."

"I'm happier if I don't have to see smoking anymore."

"We have a number of employees who smoke. I would hope a rule would help them break the habit. In that right, it would be a really positive benefit. As an employer, I would like that – no smoke breaks."

A few respondents said that downtown workers and residents needed a place to smoke. If there were a total ban, residents may end up smoking in their rooms, which would be worse. Respondents said that the designated areas should be carefully located to not bother the general public with smoke and be mostly out of sight.

One respondent worried that further smoking regulations would chase customers to other communities, "The unintended consequences of health initiatives have affected businesses negatively, including the current smoke-free workplace law." However, the vast majority of respondents thought that further smoking regulations would not affect their business revenues. A couple respondents said that they did not want to be responsible for enforcement of new regulations – "It is hard enough to get people to stand 10 feet away."

Walkability of Downtown

Almost every respondent thought that downtown Eugene could be described as walkable.

Respondents mentioned that more businesses are open now, which has improved livability and walkability

Many respondents said that one problem impeding walkability is the issue of vagrancy and misconduct, which they noted scares some people from coming downtown. Respondents reflected that this can be a nuisance for people when they are downtown, and



Figure 4: People waiting for the bus or on stopovers cannot smoke inside the Greyhound station.

that sometimes groups congregate and block public right of ways. Interviewees often mentioned that because of a negative feeling about people with experiences of homelessness, mental illness or substance use, some people do not want to stroll downtown – they may go to a single destination downtown but do not meander or do window shopping.

One respondent mentioned problems with people bringing dogs downtown. Some owners allow their dogs to fight, urinate, or defecate, which could affect health and may be unsightly. Another respondent said that the LTD bus station location was unfortunate, and was not a real solvable problem.

Other things that would improve walkability include:

- More awning covers to help on rainy days
- Safe bike racks
- Accessible parking
- Visibility for people turning corners
- Increased lighting, especially helpful during the winter months



Figure 5: Streetscape in downtown

In addition, Downtown Eugene, Inc. works on the streetscape, such as installing and maintaining flowerpots, which make walking more inviting and pleasant. They are also working on lighting that would make downtown brighter and feel safer during the long, dark winter months. The City of Eugene is in the planning stages of a “way finding” initiative that will use an artistic approach to signage that will identify interesting downtown destinations.

Other Health Improvements

Respondents mentioned a variety of issues when asked what else could be done to improve health in downtown Eugene. Again, a common theme was the issue of certain types of people congregating in particular areas, which is intimidating for some members of the public. One person said more funding for police and jails would help because people who are arrested know that they will be processed and released. Another suggestion was to change the zoning for Kesey Square so that it could be closed after about 11pm.

One respondent suggested looking at dog regulations, with exceptions for residents living downtown and people who are just walking their dogs. A couple respondents said that better work could be done in designing public spaces that encourage positive behavior and discourage negative behavior. Also, more benches and common areas would be nice, as long as these are not vandalized.

Other responses included:

- Better utilization of the spaces we have
- A bike loan program, which would be really popular
- Easing city regulations to make it easier to put on events and celebrations
- Structural changes in our economy so more people can work

Section II: Observational Study

To help understand issues regarding outdoor smoking, an observational study was conducted of people who were smoking outdoors in downtown Eugene. Data collectors walked around a four-block by four-block area from 11am-11pm on two days in the late autumn of 2013, Friday, November 22 and Saturday, November 23. The weather those days was cold and clear, and one data collector described it as “sunny and bone chilling cold!”

When smoking was observed, data were collected on the location, such as the nearest cross streets, the business name, and whether smoking was within 10 feet or 25 feet of a doorway. Data collected on the smokers included the number of smokers, their approximate ages, gender, and whether the smokers were customer or employees, if that could be determined. This was an observational study only, and data collectors did not communicate with the smokers. The data collectors included staff from the Lane County Public Health Division and Rede Group, along with volunteers. Data collectors worked in pairs for three-hour shifts.

The observation area was bordered by 7th Avenue on the north, 11th Avenue on the south, Pearl Street on the east, and Charnelton Street on the west. Two walking routes were utilized. For the north-south route, data collectors walked Charnelton, Olive, Willamette, Oak and Pearl streets. The east-west route included 7th Avenue, 8th Avenue, Broadway, 10th Avenue and 11th Avenue. For most of the three-hour data collection shifts, the data collectors were able to walk each route once. The north-south route was walked eight times and the east-west route was walked nine times, for a total of 17.

Location of Smoking

Data collectors recorded 551 instances of people smoking. During a three-hour shift, one individual may have been observed smoking on two different occasions. Such cases were not frequent, and each instance of smoking was recorded separately.

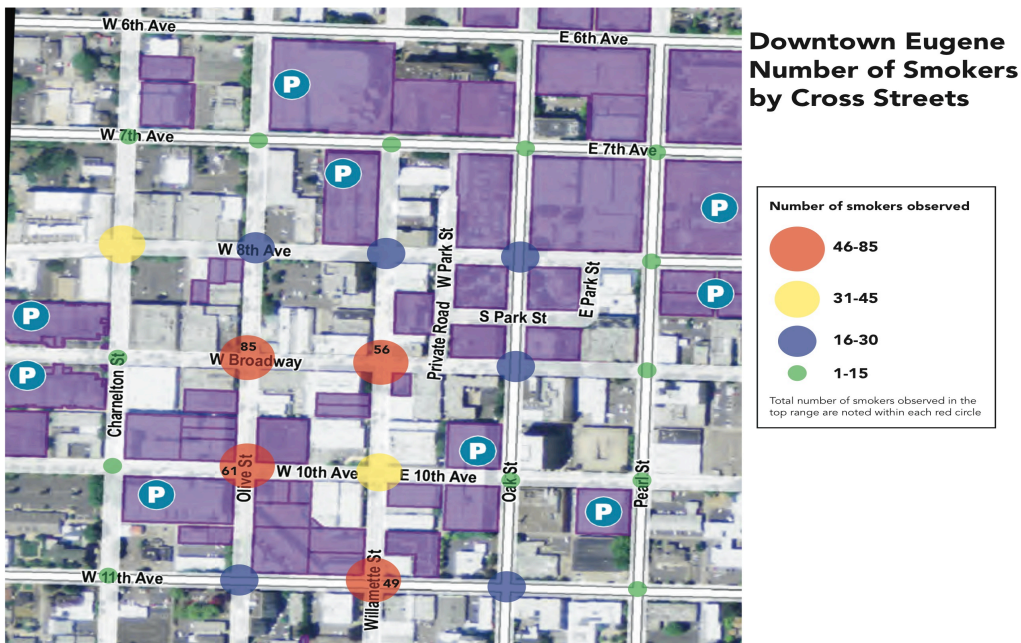
When walking a complete route (either N-S or E-W), data collectors observed an average of about 35 smokers. This is equivalent to observing a smoker approximately every 2-3 minutes while walking downtown. The largest number of smokers observed in a single route was 81, during a walk at around 10pm-11pm Saturday night.

Most people were staying in one place as they smoked, though 17% of smokers were walking and 1% were riding bicycles. In addition, smokers were observed riding skateboards, in a wheel chair, pushing a shopping cart, and sitting on benches. One smoker was with a ten year-old child and another was walking with a baby in a stroller. One smoker also had an open container of alcohol.

The table and associated mapping below shows the nearest cross streets to where smokers were observed. The east west street with the heaviest concentration of smoking was Broadway, and Olive and Willamette had the heaviest smoking among the north-south streets. Four percent (4%) of smokers were located in alleys, off the main streets.

Table 1: Number of Smokers by Cross Streets

North-South Streets	East-West Streets					TOTAL
	7th	8th	Broadway	10th	11th	
Charnelton	4	41	15	3	7	70
Olive	11	19	85	61	28	204
Willamette	9	17	56	37	49	168
Oak	1	28	20	6	26	81
Pearl	3	4	7	13	1	28
TOTAL	28	109	183	120	111	551



When a business location was indicated, LTD (Eugene Station) was the most common location. Smoking is not allowed in the outdoor space of the station area, but smoking is allowed on the public sidewalks bordering the station. Most of the other common business locations were bars or restaurants.



Figure 6: Sign at Eugene Station

Table 2: Most Common Business Locations for Smoking

	Number	Percent
LTD (Eugene Station)	93	17%
Sizzle Pie/The Barn Light	21	4%
Black Forest Bar	18	3%
Horsehead Bar	17	3%
Sykes Enterprises (call center)	14	3%
Jameson's Bar	12	2%

Characteristics of Smokers

As shown in Table 3 below, about two-thirds of smokers were male. Smokers tended to be younger than the general population, with the majority of smokers between 18-30 years old, and 4% appeared to be under 18, the age to smoke legally. At nighttime, the percentage of smokers who were male and the percentage that were 18-30 years old increases.

Table 3: Gender of Smokers

	Number	Percent
Female	169	31%
Male	374	69%
TOTAL	543	100%

Note: Gender could not be determined for 8 smokers

Table 4: Age of Smokers

	Number	Percent
Under 18 years old	22	4%
18-30 years old	305	58%
Over 30 years old	196	37%
TOTAL	523	100%

Note: Age could not be determined for 28 smokers

Observers also tried to determine if the smokers were customers or employees of a local business. Smokers were identified as employees if they were observed in an area that was designated for employee smoking by a business owner or if they were seen smoking while wearing an identifiable uniform or security/identification badge. For example all individuals smoking inside the Sykes covered smoking shelter were tallied as employees of that business. Smokers were identified as customers if they were seen leaving a business with a purchase or consuming food or beverages in an outdoor dining area that also accommodates smoking. This information could not be determined for a majority (54%) of the smokers. Among the smokers that could be identified, data collectors indicated that most were customers (80%) and 20% were employees of local businesses.

The vast majority of smokers were using cigarettes. Data collectors also observed five people using electronic cigarettes (all under 30 years old), one person smoking tobacco in a pipe, and three people smoking marijuana.

Potential Violations of Smoke-free Workplace Law

Eugene ordinance and state law do not allow smoking within 10 feet of a doorway. As shown in Table 5 below, about a quarter of smokers were located less than 10 feet from a doorway. In addition, many times ashtrays were also placed within 10 feet of a doorway. Sometimes, the ashtrays appeared to have been placed there by the business.



Figure 7: Ashtray placed near a doorway

Data collectors also noted other businesses had built outdoor smoking areas. Some of these appeared to be out of compliance with the outdoor smoking area provisions of Eugene's smoke free workplace law. About a tenth (9%) of smokers observed in this study were sitting or standing in an outdoor smoking area provided by the business.

Table 5: Smokers' Distance from Nearest Doorway

	Number	Percent
Less than 10 feet	132	26%
10-25 feet	101	20%
More than 25 feet	273	54%
TOTAL	506	100%

Note: Data could not be determined for 45 smokers

Cigarette Litter

Cigarette butts were observed on the ground near 36% of the smokers. In addition, there were many places littered with cigarette butts, though no one was smoking there at the time. Data collectors observed one downtown employee finish smoking and throw his cigarette butt on the ground. In another location, a smoldering cigarette was found on the sidewalk. One person was seen digging into an ashtray to find a cigarette butt that could still be smoked.

Summary of Findings

This report is the first phase of a project to look at creating a healthier downtown Eugene. The assessment data from this report can help inform stakeholders in the collaborative process of improving community health. Below are some conclusions from this assessment phase of the project.

- Business leaders generally think their customers are interested in health, and many have a broad definition of health, including clinical care, health behaviors, spiritual health, and community health.
- The recent improvements in the downtown area have been very helpful, and people see more progress in the near future.
- There was more support than opposition to further regulation of smoking in the Eugene downtown area.
- Enforcement of smoking rules in the current smoke-free areas (e.g., Eugene Saturday Market, the library block) has gone smoothly.
- Findings from the observational study indicate that someone walking downtown will see a smoker every 2-3 minutes.
- Smokers downtown tend to be younger than the general population and are more likely to be male.
- Violations of current smoke-free workplace laws were visible with about a quarter of smokers located within 10 feet of a doorway. Some businesses may also be in violation of the laws due to the placement of ashtrays within 10 feet of doorways and the design of outdoor smoking areas.
- Cigarette butt litter is fairly common, and some businesses are using staff time to pick up the litter.
- A few respondents had strong opinions that new regulations should include designated smoking areas, which would be helpful for downtown residents and workers who smoke.
- Some business owners are worried about enforcement of any new regulations and would oppose having businesses being responsible for enforcement.
- The downtown area is seen as walkable, though the congregation of people who are not living, working, or shopping downtown can be intimidating to some of the public. Some business owners believe further regulation of smoking could help this issue; However as observed in the study the majority of smokers are customers and employees of downtown businesses.

Conclusions

From the observational study, smoking occurred on every block in the downtown study area, though there were higher concentrations of smoking in certain areas. Thus, further regulation of outdoor smoking in downtown could help change social norms around smoking and model tobacco-free lifestyles. This is a proven practice for reducing tobacco use.

From the key informant interviews, there was more support than opposition for further regulation of smoking. Some business owners understood that further regulation of smoking could benefit their businesses by lowering healthcare costs and increasing staff productivity by eliminating smoking breaks. In addition, some businesses currently need to clean up cigarette butt litter on a daily basis.

Business owners were very concerned about the congregations of populations downtown who may experience homelessness, and/or struggle with mental illness, substance use or other disabilities. This concern is not mainly about the smoking issue. Respondents wondered whether additional smoking regulations would discourage these populations from congregating downtown.

Some business owners thought that any regulation of outdoor smoking should include a number of designated smoking areas. Smoking is seen as part of the bar and music culture, and patrons expect to be able to smoke outside or near these venues. Thus, when developing outdoor smoking policies, various options should be considered. For example, the policy could include designated smoking areas, especially near, bars, and music venues. Another option is to have a smoking regulation in force for certain hours of the day. Further research is needed to determine the political feasibility of various smoking regulations.

Recommendations for Phase 2: Healthy Downtown Eugene Policy Change Readiness Assessment.

Recommendation 1:

Survey service providers (possibly through executive interviews) from organizations that serve downtown area underserved populations, including those who experience homelessness, mentally illness, addiction or other disabilities. The interaction of these populations with downtown business owners and consumers, and the impact of smoking regulations on these populations will be central themes in any public dialogue moving forward on this issue. The results of this survey can provide insight into these impacts. In addition, with or without further smoking restrictions, it is important to work with these service providers to increase opportunities for tobacco cessation.

Topics that could be included in a survey:

- Current policies and services to help clients or staff quit tobacco
- Interest in additional resources to help with cessation efforts

- Opinions about the impact of further regulating smoking in downtown Eugene

Recommendation 2:

Garner public input through an on-line survey. Rede and the Lane County Public Health Division should use various methods to publicize the survey, including media outreach and email list serves. Public health leaders and city council members should be notified before such a public engagement process is initiated.

Recommendation 3:

Rede will develop a brief overview of the experience of other jurisdictions that have approached similar policy work to help understand how to best design and implement smoking regulations. Though it should be noted that there are few other examples of such regulations, and there may be key differences among jurisdictions.

Appendix A: List of People Interviewed

Dave Hauser
President, Eugene Area Chamber of Commerce

Jenette Kane
Director of Continuing Education, Lane Community College

Kit Kesey
Owner, McDonald Theater

Andy Little
Co-owner, Mezza Luna Pizzeria

Beth Little
Market Manager, Eugene Saturday Market

David Mandelblatt
Co-chair, Downtown Neighborhood Association

Thomas Pettus-Czar
Co-owner, The Barn Light

Tamara Underwood
Co-owner, Bagel Sphere

Craig Willis
Artistic Director, Oregon Contemporary Theater

Anonymous
Business Owner

Appendix B: Interview Questionnaire

Date:

Time Start:

Interviewee:

1. Can you tell me a little bit about your business?
 - a. What services or products do you provide, and who are your customers?
 - b. Do you have times of day or seasons that are more important to you than others in terms of revenue?
 - c. For how many years have you been operating a business in downtown Eugene?
2. Do you think that health and wellness are important to your patrons/customers/clients?
3. What do you think positively or negatively contributes to the health of patrons and employees in the downtown Eugene area?
4. In Oregon and Eugene, smoking in workplaces is not allowed indoors. This may have led to more people smoking on the sidewalks and streets. Do you think that secondhand smoke exposure is an issue in downtown Eugene?
Prompt: Do you see people smoking in front of your business?
Prompt: Is exposure to secondhand smoke a problem for you, your employees, or customers?
5. How do you think your patrons/customers/clients would react or be affected by regulating smoking in outdoor areas of downtown Eugene?
6. How about cigarette debris? Have you experienced issues with cigarette butts, cans, etc.?
7. How would you feel about regulating smoking in outdoor areas of downtown Eugene?
Prompt: How do you think it would affect your business?
Prompt: What other concerns do you have, or what concerns do you think your clients might have?
8. Do you think that the downtown Eugene area is walkable for your patrons/customers/clients?
9. Are there ways that walkability could be improved in downtown Eugene?
10. Do you have any other suggestions for improving the health of the downtown Eugene area?

Time End:

Appendix C: Healthy Downtown Eugene – Data Collection Form

Initials of data collectors: _____ Route: E-W Streets N-S Streets (circle one) Page: _____

Date: _____ Weather: _____

	Time	# of smokers	Approx. Age				Gender			Type			Near Door			Ash Tray		Cig Butt		Location	Notes	
			<18	18-30	30+	DK	M	F	DK	C	E	D	10'	25'	far	Y	N	Y	N			
1																						
2																						
3																						
4																						
5																						
6																						
7																						
8																						
9																						
10																						

Appendix D: Instructions

What to bring:

- One copy of these instructions and a copy of the route map
- 10 copies of the data collection form
- A clipboard and writing implement
- A watch or other phone/device so you can quickly know the time for each observation
- If your shift is before 6pm, you may need money to pay for parking

When walking the routes, look for smokers on both sides of the street. Also, look down any side-streets or alleys and in the park. Each route is about 1.8 miles. If you complete the route, you can take a short break and then walk the route backwards with the remaining time.

Page: Number the pages in the order they are completed

Time: time of observation

of smokers: number of people smoking (do not include non-smokers). A group of smokers includes anyone in the close vicinity, even if they are not part of the same social group.

For Age, Gender, and Type:

Mark the number of smokers in each category. Use numbers (e.g., 1, 3, 4) or tally marks (e.g., I, III, IIII). For each variable, the total should equal the number of smokers in the group.

Age: Take your best guess. DK=Unknown age

Gender: DK=Unknown gender

Type: Cus=customer Emp=Employee DK=Don't know

Near Door: Check box for whether smokers are within 10 feet of a doorway, 10-25 feet of a doorway, or farther than 25 feet from a doorway.

Ashtray: Check yes or no if there is an ashtray close by. Ashtray includes any type of ashtray, a bucket, or any other receptacle for cigarette ash/butts.

Cig Butt: Check yes or now if there are cigarette butts or other cigarette debris on the ground.

Location – this is the most important information!

If smoker is outside a business or facility, write business/facility name.

Otherwise, write street name and cross streets, e.g., High St between 8th and 9th.

Notes - Include additional noteworthy information, such as:

Marijuana – someone is smoking marijuana

E-cigarette – someone is using an electronic cigarette

Walking – smoker was walking (not staying in one place)

Sitting on sidewalk or Sitting on bench

Soliciting – smoker was soliciting; including what they were soliciting (e.g., asking for change, selling something)

Any other information to describe the smokers or location, and anything else that might be helpful to this project

Healthy Downtown Eugene

Assessment Data, Phase 1:
Key Informant Interviews &
Observational Study of Outdoor Smoking
Winter 2014



ATTACHMENT B**Interview List of Community Members Engaged in Discussion of Health Downtown**

Interviews were conducted by staff from Lane County Public Health and Rede Group consulting company.

Dan Bryant—Senior Minister, First Christian Church

Michael Carrigan—Program Director for Community Alliance of Lane County

Karen Edmonds—Programs and Services Director, Food for Lane County

Josie McCarthy—Manager, Food for Lane County Dining Room

James Ewell—Intake Coordinator Looking Glass New Roads Program

Susan Bann—Executive Director, Shelter Care

Deb Holloway—Program Manager, Uhlhorn Program, Shelter Care

Shelter Care Consumer Council members

William Wise—Director, Saint Vincent De Paul First Place Family Center

Benjamin Brubaker—Administrative Team and Crisis Worker, Whitebird

Dana Grey—Director of Operations, Eugene Mission

Lindsey Foltz—Equity and Human Rights Analyst, City of Eugene

Andrew Thompson—Chair of City of Eugene Human Rights Commission

Ken Neubeck—member City of Eugene Human Rights Commission

Lauren Ragan—Attorney and Executive Director of Civil Liberties Defense Center

Laurie Trieger—Regional Outreach Director at Family Forward Oregon

Art Bolland—Activist, Occupy Eugene

Michael Gannon—Community Activist

Chuck Sturms—First Christian Church

Mary Broadhurst—Director, Nightingale public advocacy collective

Claire Syrett—Executive Director, Lane Coalition for Healthy Active Youth

