

LOCAL

Pollution concerns reignited as Eugene residents raise alarm over planned fuel facility



Hannarose McGuinness

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Residents of Eugene's Trainsong neighborhood gathered Monday evening to voice their opposition to a proposed renewable fuel transloading facility, fearing it could exacerbate environmental and health issues in a community already grappling with pollution.

Monday's community meeting conjured images of potential fuel spills and noise pollution, and the conversation harkened back to the Feb. 2023 Ohio train derailment, which prompted evacuations after toxins were released into the environment.

Nearly 100 people attended the community meeting Monday evening at the Lion of Judah Christian Church to learn more about the project and its potential impacts.

The event, hosted Monday at the Lion of Judah Christian Church by the nonprofit Beyond Toxics and the Active Bethel Community, provided an opportunity for community members to share their concerns, ask questions and discuss this proposed project with their elected officials, such as Ward 7 City Councilor Lyndsie Leech and Mayor Lucy Vinis. Other panelists who packed into the small worship space included Lisa Arkin, executive director of Beyond Toxics; Zach Mulholland, who contracts with Beyond Toxics; and Dharmika Henschel, a Trainsong resident. Arjorie Arberry-Baribeault, the west Eugene community organizer for Beyond Toxics, moderated the discussion.

Residents expressed worries over the facility's proposed location near homes and parks, citing the neighborhood's history of environmental concerns like those around the former J.H. Baxter plant and the ongoing remediation work to remove toxic dioxins from the soil at Trainsong Park.

The facility is proposed to be located at 799 Bethel Drive on land owned by Union Pacific Railroad. USD Clean Fuels, LLC., a Houston-based developer of energy-related clean and renewable fuels infrastructure, is proposing the project.

USD Clean Fuels did not immediately return a request for comment.

What to know about the proposed Clean Fuels transloading facility in west Eugene

Transloading is the process of moving materials from one form of transportation to another. The proposed facility would facilitate the transloading of renewable fuels from rail cars to delivery trucks with no intermediary storage.

Flyers distributed by USD Clean Fuels to Trainsong residents shared that the project aims to advance Oregon's Clean Fuels program by providing the transloading services needed to get clean fuels to market.

Project information sheets indicate the facility would be designed to increase access to renewable fuels, reduce demand for petroleum-based fuels and protect the environment with safety protocols in the unlikely event of fuel spills with facilities supporting vapor recovery and fire safety measures. About 40 trucks a day are estimated to visit the facility to pick up biodiesel, renewable diesel, ethanol and sustainable aviation fuels made from agricultural, food waste and forestry materials.

The transloading facility would not be operational until late 2025, according to the flyers.

Arkin presented project information collected by Beyond Toxics through conversations between Beyond Toxics, the Active Bethel Community and USD Clean Fuels. For project construction schematics, the presentation listed that 80 round-trip tanker trips would take place daily along Bethel Drive. Four new rail spurs would be needed for rail car staging, three new truck loading docks would be added and the facility would allow each truck five minutes of idling engine time for each truck in any given hour, totaling over three hours of daily idling time across the 40 expected trucks.

"It's not that clean fuels, renewable fuels are bad," Arkin said. "It's that this is not the site to have this kind of transfer facility."

Mulholland explained the permitting procedures USD Clean Fuels has followed so far. He

said the facility has applied for zoning verification and a Land Use Capacity Statement, both of which were approved by the city of Eugene on June 4 and June 20, respectively. The facility has also applied for a Simple Air Contamination Discharge Permit with the Lane Regional Air Protection Agency. Beyond Toxics plans to challenge the validity of the city's approval of the facility's Land Use Compatibility Permit.

Community meeting takeaways: Policy procedure and legal tools

Leech said she spoke with USD Clean Fuels to ask the company about the proposed facility. According to her, the Bethel site was selected because Union Pacific gave it to USD Clean Fuels. She learned about the proposal in August and was initially told, "We have no ability, no jurisdiction, to impact this project whatsoever."

"I wanted to give them some historical context, some cultural context of Eugene and really let them know that, 'Hey, our community really does not want you here in this neighborhood,'" Leech said. "We have a long, long history of not believing corporations when they tell us what they're going to do. I told them that. I said, 'I'm here to advocate for these people and this neighborhood because what you're doing is adding to that long, long history of this neighborhood getting the influence of toxic pollution and we're not okay with that.'"

When the panel was asked, "Who signed off on this?" Mayor Vinis explained the procedure for a city council vote. She said that because no zone change was required, only a request for zone verification, the council's vote wasn't needed. Instead, the decision went to the city manager.

"We're functioning at two levels of government. We do policy, the city manager oversees the actual operations of the city and the permitting process is part of that," Vinis said.

Vinis said the City has limited legal tools to assist in this process due to the permit language around railroad right-of-way allowable uses and unzoned railroad property but that she is interested in bridging the gap between those two levels of government to ensure concerns for projects like these don't slip through the cracks.

"We would like to see what levers we have in order to change this project," Vinis said.

Public records for appealing land-use decisions

Public records obtained by The Register-Guard show Beyond Toxics filed a Notice of Appeal with the Land Use Board of Appeals (LUBA) for a zone re-verification requested by Eugene Clean Fuels, LLC, on Sept. 30. The city of Eugene responded to a request for zoning information from Eugene Clean Fuels, LLC, on June 4 indicating that the proposed facility property is “unzoned” and is to be used for the sole purpose of accommodating railroad operations.

The facility proposal said establishing the transloading site would require “installation of new rail tracks, driveways, truck transfer facilities” and other necessary improvements for operations to be feasible, according to the city’s correspondence with Eugene Clean Fuels, LLC. With no applicable zoning affecting the property, the facility must meet standards established by Eugene’s Urban Transitional Area Lane Use Code (UTA).

The city confirmed that land use applications are not required for this proposed development due to the UTA code unless the applicant voluntarily submits a land use application. The city’s response was the final zone verification at the local level, prompting Beyond Toxics to challenge the ruling and appeal its case to LUBA.

Boots on the ground

Henschel, the Trainsong resident, is no stranger to raising her voice against environmental injustices in her neighborhood. She’s lived in the area for 30 years. She has previously been outspoken about noise, pollution, safety and other concerns around Zip-O Laminators and the former J.H. Baxter plant in Eugene. For her, picking up the phone, making calls to companies and digging into research materials is how she advocates for herself and her neighbors.

Henschel said that when she learned about the proposed Clean Fuels facility, she immediately began making calls and sending emails to gather more information. Her determination to learn more stemmed from what she described as three years of sleepless nights caused by noise pollution affecting her neighborhood.

“I didn’t sleep. I just started doing research,” she said. “I was calling everybody I could think of.”

Henschel’s passion extends past phone calls and community meetings. She has taken her

lived experience and instilled her perspective into the music she posts on Soundcloud under the moniker DharmikaMusic. Her song “Living by a Trainyard” shares her experience learning about this facility, where “the city was informing us a company from down in Texas had a little plan to vex us.” The folky tune expresses her worries about water, air and land pollution, explosions and noisy traffic in a residential neighborhood.

What’s next?

As opposition to this proposed facility continues, Beyond Toxics plans to partner with a law firm to generate a legally binding petition that would help them overturn LUBA’s decision. Along with this petition for LUBA, Beyond Toxics is also generating a citizen petition. If signed, the citizen petition shows support for the LUBA petition.

Leech said she is working with USD Clean Fuels to schedule some of their executives to visit Eugene in the coming months to tour the proposed site, walk Bethel Drive and talk to neighbors. She called upon community members to maintain momentum in their opposition to this facility so that when that visit happens, the pressure will be on.

Henschel said she hopes to see the facility moved elsewhere and the gaps in government procedures bridged, too.

“I hope the city finally gets it together in terms of correcting the zoning problems that are allowing these things to happen. That’s what people are saying. It doesn’t seem right that this should even be considered,” she said.

Community members looking for more information about the proposed Clean Fuels facility can find USD Clean Fuels information at usdcleanfuels.com. Beyond Toxics is spearheading the Justice For Trainsong initiative and encourages interested parties to reach out for more information at info@beyondtoxics.org.

Hannarose McGuinness is The Register-Guard’s growth and development reporter. Contact her at athmcguinness@registerguard.com.