

wonderful working relationship.” He raises his eyebrows sarcastically. “That was the beginning of the end for me, and I just didn’t know it.”

Jennison tells me the story of his professional demise during his last hours in Oregon, on March 31. We sit at a booth at one of his favorite breakfast spots, Deb’s Diner in Springfield, where he enjoys a breakfast of pancakes and bacon before leaving the county for good. He’ll head home to his native New Hampshire.

Jennison, who worked at local air control agencies in San Francisco and Reno before taking the job as LRAPA director in 2000, was disappointed by the agency’s pro-industry bias. “In my previous jobs, we actually issued violation notices,” he says. “At LRAPA, we’ve morphed from enforcement to compliance assistance, if you get my drift.”

Jennison suspects that his willingness to enforce air quality laws rather than to only “assist” industries with compliance got him fired by a heavily pro-industry board. As Jennison describes it, LRAPA needs the big polluters’ permit fees to stay afloat. But if enough industries are unhappy with the agency, they can petition the state’s Environmental Quality Commission to relegate permitting authority to the ODEQ.

The LRAPA mission is to protect the public, but agency literature and board minutes repeatedly refer to industries as “customers.” That rhetoric, Jennison says, reflects misplaced priorities. “I consider the citizens of Lane County to be our clients,” he says. “LRAPA as it’s presently existing considers industry to be its clients.”

Shortly after Jennison fired Koster, LRAPA Advisory Committee Chair Russ Ayers, a Weyerhaeuser employee, and Advisory Committee Co-Chair Doug Brooke, a Hynix employee, surveyed Lane County’s most-polluting industries, the Title V sources. They did this on their own initiative, without collaboration from the rest of the committee. The majority of survey respondents indicated that they would rather be under the jurisdiction of the ODEQ than LRAPA, and a recurrent reason for their dissatisfaction was Koster’s termination. Ayers gave the survey results to LRAPA board

chair Dave Ralston, who made no secret of his desire to fire Jennison and used it as ammunition against him.

What Ayers didn’t disclose, Jennison says, is that he is a personal friend of Koster’s, a relationship reflected in e-mails recovered from Koster’s old hard drive at the office. “Ayers implied that my dismissal of Koster would make LRAPA unable to function and that we would then not meet Weyerhaeuser’s

needs,” Jennison says. “And I think that’s ultimately what cost me my job. Russ, in trying to defend his fishing buddy Koster, characterized me as being out of control and damaging the agency.” Ayers’ only response: He has known Koster since 1995, but he has nothing against Jennison.

In December, Ralston motioned to ask Jennison to resign, but the motion failed with three in favor, three opposed and one abstention. Instead, the board put Jennison on a three-month probation. But January’s meeting brought a new board member, and the motion passed. Jennison was forced out.

Banks says that the official reasons given for Jennison’s dismissal — chronic tardiness and fraternizing with the junior staff — were symptoms of a bigger problem. She describes Jennison as a weak manager who eventually lost control of the agency, unable to unite a staff that split into two allegiances: the Koster camp and the Jennison camp. “Smart guy, great guy, but not a leader,” she says. “He had three years of declining staff evaluations. He avoided conflict to the point that he avoided the office. I felt that he was easily manipulated, and that was probably his Achilles’ heel.”

The financial fallout of Koster and Jennison’s dismissals was steep. The added costs of Jennison’s severance, legal fees related to Koster’s ongoing appeal, interim director Jim Johnson’s \$85 hourly fee and the recruitment of a new director contributed to a shortfall of almost \$100,000 below budget by February, leading Banks to declare the need to lay off three more employees. Permit writer Drew Johnson had been on staff for six years; public affairs officer Morris McClellan, for 14; and part-time receptionist Mari Miller was a new hire. All three, incidentally, were allies of

Jennison’s. Jim Johnson told them that they were laid off on the morning of Feb. 10, and they had to be out by 5 pm that same day. The locks to the building were changed that night.

Baxter

The LRAPA board gave a slew of reasons for firing Jennison, but none of them is what Jennison called “the 800-pound gorilla” that he believes contributed most to his dismissal: his treatment of J.H. Baxter, a wood-treatment plant in northwest Eugene and one of the county’s biggest polluters.

The Baxter plant uses noxious chemicals that have been fouling the air in nearby neighborhoods for more than a decade (see “Making a Stink,” *EW*, 2/3). In 2004 alone, odors emitting from the Baxter plant provoked 762 complaints from more than 100 households. A cluster of recent cancer cases among Baxter’s neighbors stokes fears that the plant’s emissions are downright dangerous.

Angry residents demanding that Baxter be fined or shut down are standard fare at LRAPA board meetings, but they can’t prove that Baxter is breaking the law. Although the EPA considers several of Baxter’s emissions probable human carcinogens, LRAPA doesn’t have enough air sampling data to determine whether or not Baxter’s emissions are a human health hazard.

The frustrated Baxter neighbors argue that regardless of the science, the plant’s emissions stink. They say that should be enough to trigger the state’s nuisance ordinance, which allows the agency to fine odor-emitting companies as much as \$10,000 per verified complaint. If LRAPA had levied the nuisance fines against Baxter in 2004, they could have been upwards of \$7.6 million.

But LRAPA has not fined Baxter. Instead, it has been working with the company to incrementally reduce the odors, a step prescribed by the nuisance ordinance before the agency can issue fines. In February, Baxter and LRAPA signed a Best Works Practices Agreement, which details a series of engineering fixes that the company will implement to improve the odor problem. As long as Baxter complies with the agreement, it is immune to citations for eight months.

LRAPA may be reluctant to slap Baxter with a nuisance fine regardless. The day before the agreement was signed, Banks wrote an e-mail memo to the LRAPA board stating, “If a precedent is set for enforcing the nuisance rule, other neighborhoods will come forward and

LRAPA HISTORY

Lane County’s local air pollution agency may seem as entrenched as the hills rimming the valley, but it is actually quite vulnerable, an anomaly in the state.

The city of Eugene opened its first independent air pollution control office in 1957, mainly to control smoke from wood burning. In 1963 Congress passed the Clean Air Act, offering states federal money for air pollution research and encouraging them to create local air control agencies.

In 1967, the Oregon Legislature authorized the formation of regional air pollution authorities, and in 1968, the governments of Eugene, Springfield and Lane County joined together to create the Lane Regional Air Pollution Authority (LRAPA). Its mission: “To protect public health, community well-being and the environment as a leader and advocate for the improvement and maintenance of air quality in Lane County.”

Two other regional air agencies formed in Oregon: the Columbia-Willamette Regional Air Authority and the Mid-Willamette Regional Air Authority, covering the Portland and Salem areas. Meanwhile, Washington and California began to craft networks of local air agencies that would eventually dominate those states.

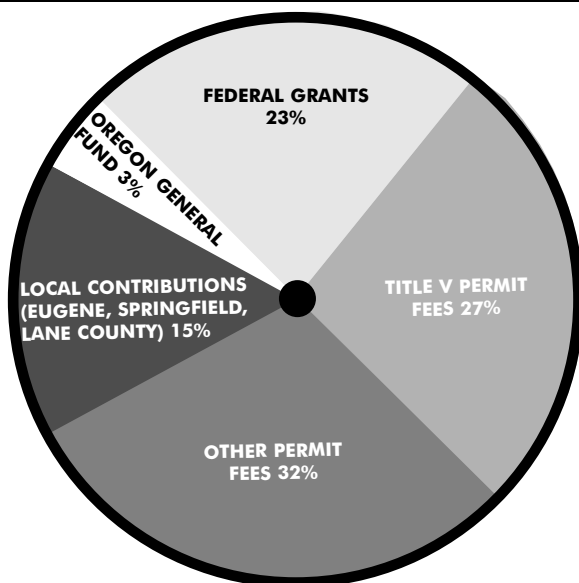
In 1969, the state Legislature created the Oregon Department of Environmental Quality (ODEQ) to regulate air and water pollution. Its policy-making board, the Environmental Quality Commission (EQC), holds the charters for the regional air control agencies. The Clean Air Act Amendments of 1970 established national air pollution standards and created the Environmental Protection Agency to oversee the states’ pollution regulators.

By the mid-1970s, the other two regional air pollution authorities in the state shut down, leaving all of Oregon’s air except for Lane County’s under the auspices of the ODEQ. The reasons for the closures are unclear; theories range from a lack of funding to a shortage of specialists to political maneuvering. LRAPA survived largely because local governments were committed to maintaining local control over air pollution regulation. But today that commitment is fading, and chronic funding shortages compounded with external pressures and internal turmoil are calling the agency’s future into question. — Kera Abraham

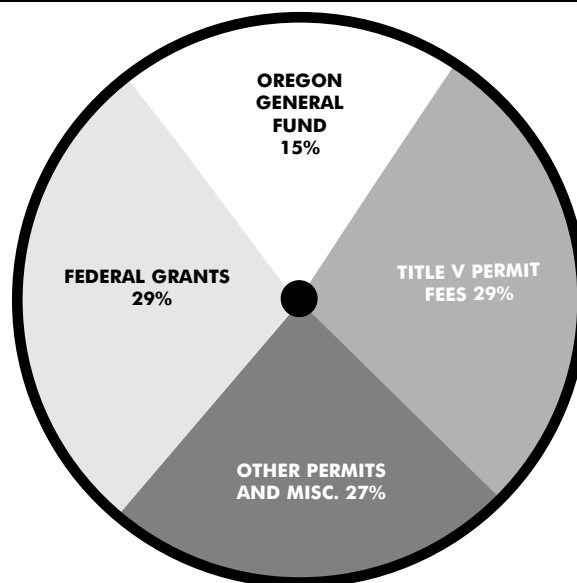


Sharon Banks

DOES LRAPA GET ITS FAIR SHARE OF THE STATE GENERAL FUND?



LRAPA Revenue, FY 2005-06 Budget
(excluding self-funding enterprise projects)



ODEQ Air Quality Revenue, FY 2005-06 Budget
(excluding self-funding vehicle inspection program)