

TO: MAYOR AND CITY COUNCIL
Robert G. Wells
THROUGH: ROBERT G. WELLS, CITY MANAGER
FROM: COUNCIL LEGISLATIVE SUBCOMMITTEE
SUBJECT: LETTER FROM CITY OF PORTLAND REGARDING HIGH LEVELS OF
BENZENE IN THE AIR

ISSUE:

Should the City Council approve the letter at the request of City of Portland concerning high levels of benzene in the air?

RECOMMENDATION:

Refer to staff for more information

BACKGROUND:

The City of Portland has written a letter to U.S. EPA Administrator Stephen L. Johnson to express strong concerns regarding a proposed rule on the Control of Hazardous Air Pollutants from mobile sources. Portland's position is the rule as drafted does not sufficiently address Portland's concerns over reducing the exposure to benzene in the air. They further explain, the EPA is continuing to allow regional disparities in the air quality, specifically those in the Northwest.

They are requesting EPA to implement a stronger rule to further cut benzene before EPA's 2011 target date.

The City of Portland has requested Salem become one of cities in the valley to join in their request to EPA.

December __, 2006

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Administration
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator:

On behalf of the Cities of Portland, _____, _____, _____ and _____ we would like to express our strong concerns regarding the U.S. Environmental Protection Agency's (EPA) proposed rule on the *Control of Hazardous Air Pollutants from Mobile Sources*.

Mobile source toxins represent a severe environmental and health hazard accounting for approximately 44 percent of outdoor toxic emissions, and almost 50 percent of the cancer risk associated with breathing outdoor toxics. In 1999 EPA's own data from the National-Scale Air Toxics Assessment indicated that 42 out of every 1 million people in America are expected to contract cancer as a result of breathing air pollutants from outdoor sources. Given these severe risk factors, the proven negative effects of mobile source air toxics, and the current levels of pollution in the Pacific Northwest we believe that it is critical that EPA's final rule take sufficient steps to reduce exposure of Pacific Northwest Communities to MSAT's, especially benzene.

The rule as currently drafted does not sufficiently address our concerns over reducing exposure to benzene. The EPA's proposed Averaging, Banking and Trading (ABT) program which would allow gasoline refineries to generate benzene credits by producing gasoline below a national standard of .62 percent by volume by 2011 is not sufficiently robust to address the harmful effects of benzene. Today some refineries are already able to produce gasoline with benzene levels below .41 percent by volume demonstrating that the standard set out for 2011 is not strong enough.

Furthermore, we believe that the ABT program as proposed by EPA would allow current regional disparities in air quality, specifically those in the Pacific Northwest, to continue. The ABT program does not limit the amount of credit trading nor does it set a meaningful cap but rather a nation-wide refining average that would permit the dirtiest producers and regions to continue their current practices largely unchanged. By not setting a tougher standard the EPA's proposed ABT program may actually encourage producers with a higher-quality product today to backslide to a lower standard in the future.

Given the current availability of technology and techniques to reduce benzene during the

refining process it is our belief that the EPA's final rule should set an average annual benzene content of .52 percent by volume and a maximum of 1.3 percent per-gallon cap. In addition, we believe that this standard is not only achievable but can be implemented sooner than 2011.

We would also encourage the EPA to look beyond benzene in its final rule and to take into account other MSAT's such as aromatics, ozone-precursors, carbon monoxide, and fine particulate matter. As a known human carcinogen the reduction of benzene is of critical importance but our efforts at clean air must take into account these other elements of MSAT's.

Thank you for your time and consideration. We look forward to continuing to work toward a long-term solution that maximizes current technologies and helps to create cleaner air as soon as possible.

Sincerely,

Tom Potter
Mayor
City of Portland

Mayor
City of

Mayor
City of

Mayor
City of

Mayor
City of

Mayor
City of

Cc: Senators _____
Reps. _____