

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING)
THE CARBON MONOXIDE (CO))
CONTINGENCY PLAN)

RESOLUTION NO. 93-1816

Introduced by
Councilor Van Bergen

WHEREAS, The Clean Air Act Amendments (CAAA) of 1990 designate the Portland metropolitan area as moderate non-attainment for Carbon Monoxide (CO) and marginal nonattainment for Ozone (HC); and

WHEREAS, The CAAA of 1990 requires the Portland metropolitan area to demonstrate conformity for Ozone by 1993 and Carbon Monoxide by 1995; and

WHEREAS, Failure to meet attainment will result in the Portland metropolitan area being designated a higher nonattainment category and subject to stricter federal air quality regulations; and

WHEREAS, In order to stay in attainment the Governor appointed a Task Force in March 1993 to examine vehicle emission reduction strategies in the Portland metropolitan area; and

WHEREAS, The Task Force determined that to stay in attainment through 2007, reductions of 36 percent in Hydrocarbons and 20 percent in Nitrogen Oxide were needed; and

WHEREAS, The air quality impacts of Carbon Monoxide (CO) and specific strategies to address Portland's moderate nonattainment status for CO (less than or equal to 12.7 ppm) and to ensure the region maintains compliance after 1995 were not addressed by the Task Force; and

WHEREAS, The Environmental Protection Agency (EPA) requires

that states with Carbon Monoxide (CO) nonattainment areas submit a Contingency Plan as a formal amendment to the State Implementation Plan by November 15, 1993; and

WHEREAS, EPA has indicated that increasing the required oxygen content of wintertime motor fuel above the existing level of 2.7 percent would be an acceptable contingent strategy; and

WHEREAS, The Department of Environmental Quality indicates that boosting the required oxygen content of wintertime motor fuel to 2.9 percent from the existing 2.7 percent level in conjunction with normal fleet turnover would be more than sufficient to satisfy EPA's Contingency Plan guidance; and


WHEREAS, Alternatives such as clean fuel fleets or vehicle scrappage may be developed by the petroleum industry in lieu of this contingency measure; now, therefore,

BE IT RESOLVED,

That the Metro Council:

Endorses the Carbon Monoxide Contingency (CO) Plan to use wintertime motor fuel with an oxygen content of 2.9 percent instead of the existing 2.7 percent.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of September, 1993.


Judy Wyers, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1816 FOR THE PURPOSE OF ENDORING THE CARBON MONOXIDE (CO) CONTINGENCY PLAN

Date: August 16, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would endorse a Carbon Monoxide Contingency Plan that would require as a transportation control measure the use of wintertime motor fuel with an oxygen content of 2.9 percent. The plan would be implemented if attainment of the Clean Air Act (Amendments of 1990) standard for Carbon Monoxide is not achieved by December 31, 1995. The 2.9 percent figure replaces an existing 2.7 percent oxygen content.

This endorsement for a Carbon Monoxide Contingency Plan is separate from and in addition to the previous endorsement of the contingency recommendations of the Governor's Task Force on Motor Vehicle Emissions Reduction in the Portland metropolitan area contained in Resolution No. 92-1718. The previous endorsement focused on strategies for ozone which control hydrocarbons (HC) and nitrogen oxide (NOx) emissions.

TPAC has reviewed the CO Contingency Plan and recommends approval of Resolution No. 93-1816.

FACTUAL BACKGROUND AND ANALYSIS

Background

As a result of HB 2175 passed by the 1991 Oregon Legislature, the Governor appointed a Task Force on Motor Vehicle Emission Reductions in the Portland area to develop a list of recommendations for the state lawmakers, the Department of Environmental Quality (DEQ), and Metro on how to reduce vehicle emissions over the next 20 years in order to ensure attainment of federal health-based air quality standards. These standards call for attainment in emissions in 1993 for ozone (HC) and 1995 for Carbon Monoxide (CO). The Portland Metropolitan Region is classified as a marginal nonattainment area for Ozone and moderate for Carbon Monoxide (CO):

The Governor's Task Force based their selection of strategies on attaining the goals for Ozone and Nitrogen Oxide (NOx) emission reductions by the year 2007. The total emission reduction goals are 36 percent for HC and 20 percent for NOx. The air quality impacts of Carbon Monoxide and specific strategies to address Portland's moderate nonattainment status for CO (less than or equal to 12.7 ppm) and to ensure the region maintains compliance after 1995 were not addressed by the Task Force.

Courses of Action

The Portland region faces two courses of action concerning CO attainment status depending on whether it (1) meets the CO standard by December, 1995; or (2) fails to meet the CO standard by December, 1995.

1. Region Meets Carbon Monoxide Standard by December, 1995

The region applies for attainment status and files a maintenance plan with EPA for maintaining compliance over a 10-year period. As part of the maintenance plan, a "contingency plan" is included which would trigger specific control measures to prevent a violation, or bring the area back into compliance if actions contained within the maintenance plan fail to achieve their intended effects during a given year. The key point is that the region does not get bumped to the next level of nonattainment status ("serious" category for CO.)

2. Region Fails to Meet Carbon Monoxide Standard by December, 1995

If the region fails to achieve compliance for marginal CO nonattainment, the region would be required to implement a contingency plan to offset one year of VMT growth (1.7 percent). This resolution adopts the "Contingency Plan" that meets this requirement. In addition, the region would be bumped into the "serious Carbon Monoxide" nonattainment category. An SIP revision meeting the Clean Air Act requirements for Serious nonattainment areas, incorporating the additional control measures outlined in Attachment 1, would likely be prepared over a 12-month period in 1996-1997. The revision would be aimed at meeting CO standards for "Serious" areas by December, 2000.

Carbon Monoxide (CO) Contingency Plan Requirements

The Environmental Protection Agency (EPA) requires that states with Carbon Monoxide (CO) nonattainment areas submit a Contingency Plan as a formal amendment to the State Implementation Plan by November 15, 1993. The purpose of the Contingency Plan is to offset the effects of one year of VMT growth (1.7 percent) by triggering the implementation of specific transportation control measures if attainment of the CO standard is not achieved by December 31, 1995. The Contingency Plan control measure(s) must be implementable without any additional rulemaking on the part of the state or local ordinances. The measures would be in effect while an overall plan revision is prepared to meet the additional requirements of a Serious nonattainment classification (Attachment 1). Although downtown Portland has not violated the CO standard since 1984, and the last violation of the standard outside of the downtown occurred in 1989, it is recognized that failure to meet the standard could result from:

- An unusually severe inversion layer causing two violations at a given site
- VMT growth higher than the "base case" growth rate
- Inaccuracies in emission inventory and modeling techniques.
- Other unforeseen factors such as global warming and weather pattern changes.

EPA has indicated that increasing the required oxygen content of wintertime motor fuel above the existing level of 2.7 percent would be an acceptable contingent strategy for the plan. A preliminary analysis by DEQ indicates that boosting the required oxygen content of wintertime motor fuel to 2.9 percent from the existing 2.7 percent level in conjunction with normal fleet turnover would be more than sufficient to satisfy EPA's Contingency Plan guidance. The program can also be quickly adopted and can meet our required schedule to put together an SIP revision package to go through the Environmental Quality Commission rulemaking process and the immediate air quality benefits from the use of oxygenated fuels. The CO Contingency Plan Rule adoption schedule prepared by DEQ and currently being followed is included as Attachment 2.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 93-1816.

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**Additional Control Measures for
Serious Carbon Monoxide Areas**

The additional control measures applicable to existing CO nonattainment areas in Oregon that fail to meet the standards attainment deadline of December 31, 1995, are listed below.

- 1) Vehicle Miles Traveled (VMT) Forecasting
- 2) Contingency Provisions triggered by VMT levels that exceed the forecast
- 3) Enhanced Vehicle Inspection and Maintenance (I/M 240)
- 4) Attainment Demonstration
- 5) VMT--a) TCM reductions providing annual 3% reductions from baseline emissions; b) employer (100 or more employees) trip reduction program

Note: The requirements under this section of the Act can be waived or substituted in whole or part with adequate justification

- 6) CO Milestone demonstration with respect to annual emission reductions (A new milestone date would be negotiated with EPA)

CO Contingency Plan Rule Adoption Schedule: 1993							
Initial Proposed Rule Package for Hearing Authorization							
Task	May	June	July	Aug	Sept	Oct	Nov
Task Advisory Committee Meetings							
Initial Topic Form Due		6/1					
Distribute Rulemaking Proposal Package		6/3					
Topic Review Meeting		6/8					
Finalize Proposed Package		6/14					
Draft Report to Director's Office for Distribution to DA's		6/23					
Draft Report to Reviewers		6/25					
Review Comments to Author		6/30					
Final to Director's Office (Director's Sign Off for Hearing Authorization)			7/6 9am				
Package to Secretary of State			7/10				
Mail Notice of Public Hearing			7/10				
Hold Public Hearings				8/16 or 8/23			

PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1816, ENDORSING THE CARBON MONOXIDE (CO) CONTINGENCY PLAN

Date: September 15, 1993

Presented By: Councilor Devlin

Committee Recommendation: At the September 14 meeting, the Planning Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1816. Voting in favor: Councilors Van Bergen, Gates, Kvistad, and Moore. Absent: Councilors Devlin and Monroe.

Committee Issues/Discussion: Richard Brandman, Assistant Planning Director presented the staff report. He explained that Metro has previously approved a State Implementation Plan for air quality. This region is currently classified as a "non-attainment" area for both Carbon Monoxide (CO) and Ozone. As such, we are required to develop a plan, to forward to the Department of Environmental Quality (DEQ), that shows how we will reach "attainment" by November, 1993 for ozone and December, 1995 for CO. Final approval of this action comes from the Environmental Quality Commission.

Rich Ledbetter, Senior Transportation Planner, explained the plan. It would require winter-time oxygenated fuel to be at 2.9%, an increase from the current 2.7%. This action is separate from an earlier endorsement of Resolution 92-1718 which approved the work of the Governor's Task Force on Motor Vehicle Emission Reductions in the Portland area. The majority of that work would have corrected problems relating to Ozone and Nitrogen Oxide (NOx) but not CO. The standard for CO is 9 parts per million, which should be attainable under this plan. The goal is that the contingency plan, which must be implementable within a 12 month period, offsets at least one year of vehicle miles travelled (VMT) growth, or 1.7%. The Environmental Protection Agency (EPA) has determined that using 2.9% oxygenated fuel the requirement will make this possible. It is the EPA that triggers the use of the plan if we fail to reach attainment.

Other strategies that have been considered by DEQ but none could be implemented in such an immediate manner. DEQ supports this plan as being the most cost effective. The cost to the consumer is between two to seven cents a gallon of gasoline.

Councilor Van Bergen asked if the region stayed within the 2.7% level last year; the answer was yes. He also asked whether the 2.9% level fuel is available, what amount of lead time would be necessary to make it available, and who objects to this plan. The expectation is that the fuel could be made available within sixty days. Opposition comes from the major oil refineries.

Councilor Van Bergen then asked where the violations were occurring and in what areas of the region would the fuel be required. The violations surprisingly are not occurring in the downtown but rather in the suburban areas. The entire region as represented by a close approximation of the Metro boundaries, is the area presently in non-attainment. Clark County is currently working on a plan and wishes to be consistent with the plan of this region. They will be adopting a 2.9% as well. The test is whether the air quality standard is met, not how it is reached. Therefore, different areas may choose different ways to achieve the same standard.

Councilor Gates expressed concern over the entire subject. He said he found the "expression of VMT has no built in accountabilities" and questioned the way VMT is calculated. He asked what distinctions are being made between private passenger vehicles and commercial. With a down-turn in the economy with less truck traffic, there can be an immediate improvement in air quality but without any permanent solution. Then as soon as the economy corrects itself we return to non-attainment.. He asked how and where the measurements are taken. He said he was disappointed that the DEQ was unable to attend this meeting and answer these questions but since the contingency plan must be in place by November he chose not to voice further objections.