



November 10, 2023

To DEQ Director Leah Feldon
Cc: Governor Tina Kotek

Dear Director Feldon:

I am writing on behalf of the Steering Committee of MCAT. MCAT is a community of experienced volunteers, sponsored by Oregon League of Conservation Voters, who help steward significant greenhouse gas reduction policy into law in Oregon. Generally, we work in the arenas of state legislation and administrative action, but we have made an exception to write to you about Zenith because of the importance of the decision before you.

We share with other organizations their concern about the method in which Portland's City Council reversed their decision on Zenith's Land Use Compatibility Statement (LUCS). We believe that their 2022 decision violates good faith and public process. Surely, the Linnton Neighborhood and intervenors on behalf of the City in the 2021 LUBA appeal should have been notified of the City's reversal of their 2021 decision. We are sure, however, that other organizations are writing to argue that you can deny the permit due to legal insufficiency (OAR 340-018-0050(2)(a)(C)).

MCAT's expertise is with climate policy, and it is because of the effect on the climate that we ask you to review the findings that led the City to their 2022 approval of the revised LUCS after denying it in 2021. The City's Comprehensive Plan policies call for a "climate and hazard resilient urban form." Zenith's proposal to move, over five years, from transporting and off-loading crude oil to a renewable fuel does not assure that the renewable fuel will minimize carbon emissions or be safer to handle and store. The 2022 LUCS decision seems to have been made based on Zenith's plan to change operations in the future, but in the meantime, carbon emissions and safety issues continue. Between 2020 and 2022, Zenith increased the amount of crude oil that they transported through Portland by 47%. Nothing suggests that they won't continue to increase volumes in the near future.

The threats posed by the emissions of greenhouse gases to all life on the planet are mounting each day. An article in the October 30, 2023, New York Times tells us that scientists now realize that the window for meeting key climate goals is even narrower than previously thought <https://www.nytimes.com/2023/10/30/climate/carbon-budget-paris-agreement.html>. According to this report, we now have only **five years** to stop current emission levels of

greenhouse gases. The article explains that every extra increment of warming, as we continue business as usual, increases the risk of dangerous heat waves, floods, crop failures, species extinctions, and wildfires. Given this context, we think that the City's 2021 original decision on Zenith's LUCS was correct. Their operations are not consistent with the City's Comprehensive Plan policies.

Executive order 20-04, issued by Governor Brown, charges state agencies, to the full extent of the law, to consider and integrate climate change, climate change impacts and the state's greenhouse gas emission reduction goals into their planning ...and policy-making decisions. We think that the EO calls clearly for you to look closely at the City's 2022 LUCS decision. A livable planet depends on decisions like this one.

We thank you for the opportunity to comment.

Linda Craig for the Steering Committee
MCAT