CITY OF PORTLAND

May 1, 2019

[Via E-mail]
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, DC 20044–7611

Re: **United States v. Global Partners LP, et al., D.J. Ref. No. 90-5-2-1-11428,**

Dear Assistant Attorney General,

Given the serious nature of the violations set forth in a complaint filed by the U.S. Department of Justice, acting through the U.S. Environmental Protection Agency ("EPA") on March 25, 2019 (as referenced above), I am writing to strongly encourage any consent decree for the above referenced matter ("Consent Decree") include **any and all necessary funding** to implement a long-term air quality monitoring program for the cities of Portland and South Portland.

To that end, I have attached a draft of the resolution, which I will present to the full Portland City Council for consideration at the May 6, 2019 Portland City Council meeting[1].

As the draft resolution states, I believe: (i) a comprehensive and long-term air quality monitoring program for the City of Portland and South Portland must be included in the Consent Decree ("Monitoring Program"); (ii) that the Monitoring Program must be: (a) designed by expert in the field of air quality testing, (b) overseen by the City of Portland or a third party agency acceptable to the City of Portland, (c) include the acquisition, installation, maintenance and repair of multiple stationary monitoring stations as well as the acquisition of mobile monitoring devices that can be used to respond promptly to specific complaints from residents and isolate suspected sources of emissions; and (iii) that the Monitoring Program should include the cost to train City personnel in the use of air quality monitoring devises and interpreted the date obtained.

As you can imagine my disappointment about learning of this Consent Decree via the Portland Press Herald, I respectfully request that your office engage the City Manager

[1] The positions contained in this letter shall not in any way be construed to an action of the full Portland City Council unless and until said Portland City Council shall have voted affirmatively on the measure.

of Portland's Office, Jon Jennings, with any and all updates related to the Consent Decree as they pertain to the City of Portland (and any potential Monitoring Program). Let me be clear, the impacts of the violations set forth in the in the Complaint and Consent Decree (if true), especially as they pertain to the emissions of volatile organic compounds ("VOCs"), pose a direct threat to the health of the City of Portland's residents. This is a threat that my office takes seriously.

Thank you for your prompt attention to this matter and please do not hesitate to contact me with any questions about the comments contained herein.

Sincerely,

Spencer Thibodeau
Portland City Council, District 2

Enclosure
Cc (via e-mail): Portland City Council
Jon Jennings City Manager
Claude V.Z. Morgan, Mayor of the City of South Portland

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DRAFT 5.1.2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

RESOLUTION RE: CONSENT DECREE WITH GLOBAL PARTNERS, LP

WHEREAS, on March 25, 2019 the United States Department of Justice ("DOJ"), filed a complaint ("Complaint") against Global Partners, LP, Global Companies, LLC and Chelsea Sandwich; LLC ("Defendants") with the United States District Court for the District of Maine in the lawsuit entitled United States v. Global Partners L.P., et al., Civil Action 19-cv-00122;

WHEREAS, the Complaint alleged potential and actual excess emissions of volatile organic compounds at the Defendants' South Portland, Maine petroleum products storage facility in contravention of the Clean Air Act, 42 U.S.C. 7413(a)(1), and the Maine State Implementation Plan;

WHEREAS, Defendants do not admit the facts alleged in the Complaint or any liability to the Environmental Protection Agency arising out of the transactions or occurrences alleged in the Complaint;

WHEREAS, on March 25 2019, the DOJ also lodged a proposed consent decree ("Consent Decree") with the United States District Court for the District of Maine, pursuant to which the DOJ and the Defendants seek to resolve the disputed claims alleged in the Complaint;

WHEREAS, a Notice of Lodging of Proposed Consent Decree Under the Clean Air Act ("Notice") was originally published in the Federal Register on April 1, 2019 in 84 F.R. 12293, which publication opened a thirty (30) day period for public comment on the decree;

WHEREAS, the Portland City Council deems it appropriate and imperative that the City of Portland comment on the Consent Decree.

NOW, THEREFORE, BE IT RESOLVED, that the Portland City Council hereby adopts the following as its comments to the proposed Consent Decree: "(i) A long-term air quality monitoring program for the City of Portland and South Portland must be included in the Consent Decree ("Monitoring Program"); (ii) the Monitoring Program must be: (a) designed by expert in the field of air quality testing, (b) overseen by the City of Portland or a third party agency acceptable to the City of Portland, and (c) include the acquisition, installation, maintenance and repair of multiple stationary monitoring stations as well as the acquisition of mobile monitoring devices that can be used to respond promptly to specific complaints from residents and isolate suspected sources of emissions; and (iii) that the

Monitoring Program should include the cost to train City personnel in the use of air quality monitoring devises and interpreted the date obtained."

BE IT FURTHER RESOLVED, that the Portland City Council hereby authorized the City Manager to make any additional comments regarding the Consent Decree as reasonably necessary to assist in the implementation of said Monitoring Program.