

D R A F T

SUMMARY

Requires owners and operators of bulk petroleum terminals to conduct and submit to Department of Environmental Quality seismic vulnerability assessments. Requires department to review and approve seismic vulnerability assessments. Requires owner or operator of existing bulk petroleum terminal to submit seismic vulnerability assessment no later than January 1, 2020.

Prohibits person from operating bulk petroleum terminal without seismic risk mitigation plan that is properly implemented and approved by department. Directs Environmental Quality Commission to, by rule, adopt seismic risk mitigation program for bulk petroleum terminals. Becomes operative January 1, 2022. Authorizes commission and department to take actions before operative date.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to earthquake preparedness; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS chapter 468.

SECTION 2. (1) As used in this section and section 3 of this 2019 Act, “bulk petroleum terminal” means an industrial facility located in this state that is primarily engaged in the transport and bulk storage of petroleum and is characterized by having marine, pipeline or railroad transport access and:

(a) Transloading facilities for transferring shipments of petroleum between transportation modes; or

(b) One or more aboveground or underground bulk storage tanks

1 with a combined capacity of 2 million gallons of petroleum or more.

2 (2) An owner or operator of a bulk petroleum terminal shall con-
3 duct and submit to the Department of Environmental Quality a seis-
4 mic vulnerability assessment. A seismic vulnerability assessment
5 submitted to the department under this section must:

6 (a) Include a comprehensive seismic risk assessment, conducted by
7 qualified assessors using the most recent industry standards for as-
8 sessing seismic risk to buildings, of all pipelines, aboveground and
9 underground bulk storage tanks, transloading facilities and other
10 structures and related or supporting facilities that constitute the bulk
11 petroleum terminal;

12 (b) Include a determination of whether the bulk petroleum terminal
13 is sited on soils vulnerable to liquefaction triggering or liquefaction
14 consequences such as lateral spreading and coseismic settlement; and

15 (c) Include a determination of whether the existing structures and
16 related or supporting facilities that constitute the bulk petroleum
17 terminal have been designed, improved or retrofitted to reduce the
18 potential for heavy structural damage to property or harm to people
19 or the environment in or adjacent to the bulk petroleum terminal in
20 the event of a full-margin rupture of the Cascadia subduction zone.

21 (3) The department shall review a seismic vulnerability assessment
22 submitted under this section and approve the assessment if it meets
23 the requirements of subsection (2) of this section and any other re-
24 quirements for seismic vulnerability assessments that the Environ-
25 mental Quality Commission adopts by rule. Rules adopted by the
26 commission may require the owner or operator of a bulk petroleum
27 terminal to submit an updated seismic vulnerability assessment to the
28 department upon the replacement or reconstruction of all or a part
29 of a bulk petroleum terminal.

30 **SECTION 3.** (1) A person may not operate a bulk petroleum termi-
31 nal without a seismic risk mitigation plan that is properly imple-

1 mented and has been approved by the Department of Environmental
2 Quality. A seismic risk mitigation plan must, at a minimum, evaluate
3 the potential for a bulk petroleum terminal to continue to operate af-
4 ter an earthquake and identify the structures that are most vulnerable
5 to seismic risks.

6 (2) The Environmental Quality Commission shall adopt by a rule a
7 seismic risk mitigation program for bulk petroleum terminals. To the
8 extent feasible and appropriate, the program adopted under this sec-
9 tion shall be consistent and coordinated with the program established
10 under ORS 468B.345 to 468B.415. Rules adopted under this section shall
11 include, but not be limited to:

12 (a) Rules for the required content of seismic risk mitigation plans
13 and rules for approval by the department of seismic risk mitigation
14 plans.

15 (b) Provisions for training, response exercises, inspections and tests
16 in order to verify the ability to respond to spills of hazardous materials
17 from the bulk petroleum terminal due to an earthquake.

18 (c) Requirements for the inspection of aboveground and under-
19 ground bulk storage tanks at bulk petroleum terminals.

20 (d) Construction standards for new aboveground and underground
21 bulk storage tanks constructed at bulk petroleum terminals.

22 (e) Provisions for the review of seismic vulnerability assessments
23 required under section 2 of this 2019 Act and seismic risk mitigation
24 plans required under subsection (1) of this section by other state
25 agencies with expertise in earthquake preparedness or emergency
26 management.

27 **SECTION 4.** A person who owns or operates an existing bulk pe-
28 troleum terminal on the effective date of this 2019 Act shall submit the
29 seismic vulnerability assessment required by section 2 of this 2019 Act
30 no later than January 1, 2020.

31 **SECTION 5.** (1) Section 3 of this 2019 Act becomes operative Janu-

1 ary 1, 2022.

2 (2) The Environmental Quality Commission and the Department of
3 Environmental Quality may adopt rules and take any action before the
4 operative date specified in subsection (1) of this section that is neces-
5 sary to enable the commission and the department, on and after the
6 operative date specified in subsection (1) of this section, to exercise
7 all of the duties, powers and functions conferred on the commission
8 and the department by section 3 of this 2019 Act.

9 SECTION 6. This 2019 Act takes effect on the 91st day after the date
10 on which the 2019 regular session of the Eightieth Legislative Assem-
11 bly adjourns sine die.

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