

Senate Bill 95

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1
2 Relating to earthquake preparedness; and prescribing an effective date.

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

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

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

10 (a) **Transloading facilities for transferring shipments of petroleum between transporta-**
11 **tion modes; or**

12 (b) **One or more aboveground or underground bulk storage tanks with a combined ca-**
13 **capacity of 2 million gallons of petroleum or more.**

14 (2) **An owner or operator of a bulk petroleum terminal shall conduct and submit to the**
15 **Department of Environmental Quality a seismic vulnerability assessment. A seismic vulner-**
16 **ability assessment submitted to the department under this section must:**

17 (a) **Include a comprehensive seismic risk assessment, conducted by qualified assessors**
18 **using the most recent industry standards for assessing seismic risk to buildings, of all pipe-**
19 **lines, aboveground and underground bulk storage tanks, transloading facilities and other**
20 **structures and related or supporting facilities that constitute the bulk petroleum terminal;**

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

24 (c) **Include a determination of whether the existing structures and related or supporting**
25 **facilities that constitute the bulk petroleum terminal have been designed, improved or**
26 **retrofitted to reduce the potential for heavy structural damage to property or harm to people**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or the environment in or adjacent to the bulk petroleum terminal in the event of a full-
2 margin rupture of the Cascadia subduction zone.

3 (3) The department shall review a seismic vulnerability assessment submitted under this
4 section and approve the assessment if it meets the requirements of subsection (2) of this
5 section and any other requirements for seismic vulnerability assessments that the Environ-
6 mental Quality Commission adopts by rule. Rules adopted by the commission may require the
7 owner or operator of a bulk petroleum terminal to submit an updated seismic vulnerability
8 assessment to the department upon the replacement or reconstruction of all or a part of a
9 bulk petroleum terminal.

10 **SECTION 3.** (1) A person may not operate a bulk petroleum terminal without a seismic
11 risk mitigation plan that is properly implemented and has been approved by the Department
12 of Environmental Quality. A seismic risk mitigation plan must, at a minimum, evaluate the
13 potential for a bulk petroleum terminal to continue to operate after an earthquake and
14 identify the structures that are most vulnerable to seismic risks.

15 (2) The Environmental Quality Commission shall adopt by a rule a seismic risk mitigation
16 program for bulk petroleum terminals. To the extent feasible and appropriate, the program
17 adopted under this section shall be consistent and coordinated with the program established
18 under ORS 468B.345 to 468B.415. Rules adopted under this section shall include, but not be
19 limited to:

20 (a) Rules for the required content of seismic risk mitigation plans and rules for approval
21 by the department of seismic risk mitigation plans.

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

25 (c) Requirements for the inspection of aboveground and underground bulk storage tanks
26 at bulk petroleum terminals.

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

29 (e) Provisions for the review of seismic vulnerability assessments required under section
30 2 of this 2019 Act and seismic risk mitigation plans required under subsection (1) of this
31 section by other state agencies with expertise in earthquake preparedness or emergency
32 management.

33 **SECTION 4.** A person who owns or operates an existing bulk petroleum terminal on the
34 effective date of this 2019 Act shall submit the seismic vulnerability assessment required by
35 section 2 of this 2019 Act no later than January 1, 2020.

36 **SECTION 5.** (1) Section 3 of this 2019 Act becomes operative January 1, 2022.

37 (2) The Environmental Quality Commission and the Department of Environmental Qual-
38 ity may adopt rules and take any action before the operative date specified in subsection (1)
39 of this section that is necessary to enable the commission and the department, on and after
40 the operative date specified in subsection (1) of this section, to exercise all of the duties,
41 powers and functions conferred on the commission and the department by section 3 of this
42 2019 Act.

43 **SECTION 6.** This 2019 Act takes effect on the 91st day after the date on which the 2019
44 regular session of the Eightieth Legislative Assembly adjourns sine die.