

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1567

By JOINT COMMITTEE ON WAYS AND MEANS

February 25

1 On page 1 of the printed A-engrossed bill, delete lines 7 through 16 and delete page 2.

2 On page 3, delete lines 1 through 8 and insert:

3 **“SECTION 2. (1) As used in sections 2 to 6 of this 2022 Act, ‘bulk oils or liquid fuels**  
4 **terminal’ means an industrial facility located in Columbia, Multnomah or Lane County that**  
5 **is primarily engaged in the transport or bulk storage of oils or liquid fuel products and is**  
6 **characterized by having:**

7 **“(a) Marine, pipeline, railroad or vehicular transport access;**

8 **“(b) Transloading facilities for transferring shipments of oils or liquid fuel products be-**  
9 **tween transportation modes; and**

10 **“(c) One or more bulk storage tanks with a combined capacity of two million gallons or**  
11 **more.**

12 **“(2) An owner or operator of a bulk oils or liquid fuels terminal shall conduct and submit**  
13 **to the Department of Environmental Quality a comprehensive seismic vulnerability assess-**  
14 **ment for the entire bulk oils or liquid fuels terminal. A seismic vulnerability assessment**  
15 **submitted to the department under this section must:**

16 **“(a) Include a seismic risk assessment, or a series of seismic risk assessments, con-**  
17 **ducted by qualified professionals using the most recent industry standards for assessing**  
18 **seismic risk to:**

19 **“(A) Buildings, structures and ancillary components;**

20 **“(B) Bulk storage tanks;**

21 **“(C) Spill containment structures;**

22 **“(D) Transloading facilities, including wharves, piers, moorings and retaining structures;**

23 **“(E) Loading racks;**

24 **“(F) Control equipment; and**

25 **“(G) Any other structures and related or supporting facilities that constitute the bulk**  
26 **oils or liquid fuels terminal;**

27 **“(b) Include a determination of the bulk oils or liquid fuels terminal’s vulnerability to**  
28 **liquefaction triggering and liquefaction consequences, such as lateral spreading and**  
29  **coseismic settlement, using standards in accordance with guidance contained in ‘National**  
30  **Academies of Sciences, Engineering and Medicine, State of the Art and Practice in the As-**  
31  **sessment of Earthquake-Induced Soil Liquefaction and Its Consequences, 2016’;**

32 **“(c) Include a determination of whether the existing structures and related or supporting**  
33  **facilities that constitute the bulk oils or liquid fuels terminal have been designed, improved**  
34  **or retrofitted to reduce the potential for significant structural damage to property or harm**  
35  **to people or the environment in or adjacent to the bulk oils or liquid fuels terminal in the**

1 event of a magnitude 9.0 Cascadia Subduction Zone earthquake, including impacts from the  
2 expected duration of shaking; and

3 “(d) Include a determination of the structures and related or supporting facilities that  
4 are most vulnerable to seismic risks and the potential of those structures and facilities to  
5 maintain safe operating conditions, or safe shutdown procedures, to protect public health,  
6 life safety and environmental safety against releases of oils or liquid fuel products, including  
7 information about operational procedures during disasters.

8 “(3) The department shall review a seismic vulnerability assessment submitted under this  
9 section and approve the assessment if it meets the requirements of subsection (2) of this  
10 section and any other requirements for seismic vulnerability assessments contained in rules  
11 adopted under subsection (4) of this section.

12 “(4)(a) The Environmental Quality Commission, in consultation with the State Depart-  
13 ment of Geology and Mineral Industries, may adopt by rule requirements for seismic vul-  
14 nerability assessments submitted to the Department of Environmental Quality under this  
15 section.

16 “(b) Rules adopted by the commission may require the owner or operator of a bulk oils  
17 or liquid fuels terminal to submit seismic vulnerability assessment updates to the depart-  
18 ment:

19 “(A) Upon the retrofit or reconstruction of all or a part of a bulk oils or liquid fuels  
20 terminal; or

21 “(B) Based on new scientific or technical findings, but no more frequently than once ev-  
22 ery three years.

23 “(c) Notwithstanding subsection (2)(b) of this section, the commission may by rule adopt  
24 revised or additional standards for determining a bulk oils or liquid fuels terminal’s vulner-  
25 ability to liquefaction triggering and liquefaction consequences if the commission determines  
26 that guidance contained in ‘National Academies of Sciences, Engineering and Medicine, State  
27 of the Art and Practice in the Assessment of Earthquake-Induced Soil Liquefaction and Its  
28 Consequences, 2016’ no longer represents the most recent industry standards for determining  
29 vulnerability to soil liquefaction triggering and liquefaction consequences.”.

30 On page 4, after line 18, insert:

31 “**SECTION 3a.** The requirements of sections 2 to 6 of this 2022 Act do not apply to a bulk  
32 oils or liquid fuels terminal to the extent those requirements are preempted by the federal  
33 Pipeline Safety Improvement Act of 2002, 49 U.S.C. 60101 et seq.”.

34 On page 14, after line 29, insert:

35 “**SECTION 18.** (1) Notwithstanding any other provision of law, the General Fund appro-  
36 priation made to the Department of Environmental Quality by section 1 (3), chapter 673,  
37 Oregon Laws 2021, for the biennium ending June 30, 2023, for land quality, is increased by  
38 \$712,318 for implementation of the provisions of sections 2 to 6 and 15 of this 2022 Act.

39 “(2) Notwithstanding any other law limiting expenditures, the limitation on expenditures  
40 established by section 4, chapter 423, Oregon Laws 2021, for the biennium ending June 30,  
41 2023, as the maximum limit for payment of expenses from federal funds collected or received  
42 by the State Department of Energy, is increased by \$327,996 for implementation of the pro-  
43 visions of sections 12 and 16 of this 2022 Act.”.

44 In line 30, delete “18” and insert “19”.