



February \_\_\_\_, 2020

Jeffrey Soulages, Chair  
Oregon Seismic Safety Policy Advisory Committee  
Oregon Office of Emergency Management  
3225 State St, Room 115  
Salem, OR 97301  
[Sent electronically to: [chair.osspace@state.or.us](mailto:chair.osspace@state.or.us)]

Dear Chair Jeffrey Soulages, Vice Chair Tiffany Brown and OSSPAC Members,

With this letter, the Regional Disaster Preparedness Organization's Policy Committee would like to formally respond to the findings and recommendations in OSSPAC's CEI Hub Mitigation Strategies Report. We thank Mr. Soulages for his presentation and for engaging with us at our January 17, 2020 meeting. We also commend OSSPAC leaders and members for their voluntary efforts to execute Governor Brown and the State Resilience Officer Harryman's two-part assignment on a very complex topic, under a tight timeline, and with little resources.

As a key stakeholder in mitigating risk in the CEI Hub, we offer the following feedback:

1. **Regulating Liquid Fuel Tanks:** In addition to the recommendations stated in Chapter 2 of the report
  - ~~The RDPO recommends that the State of Oregon enact legislation authorizing local jurisdictions to enact ordinances to regulate CEI Hub owners, such as in the area of mandatory seismic retrofitting of all liquid fuel facilities. Without state authorization, any local jurisdiction's efforts at attempting to regulate CEI Hub owners that fail in court may upend future state efforts to establish those authorities.~~
  - The RDPO recommends that the State of Oregon use all available existing statutory authority to pursue safety requirements for the facilities at the CEI Hub. See ORS 757.039. For example, federal law allows states to request a certification from the U.S. Department of Transportation to "adopt additional or more stringent safety standards for intrastate pipeline facilities," such as those at the CEI Hub. 49 U.S.C. § 60104. In Oregon, ORS 757.039 appears to give the Oregon Public Utilities Commission (PUC) the ability to request federal certification to regulate both natural gas facilities and facilities involving other hazardous substances like petroleum products. ORS 757.039(1) and (3) (authorizing PUC to "make certifications" to the U.S. Department of Transportation "relating to pipeline facilities and transportation of hazardous substances" and defining "hazardous substances" to include "petroleum and petroleum products" and "any other substance or material which may pose an unreasonable risk to life or property when transported by pipeline facilities").

While the Oregon PUC is currently certified to regulate natural gas facilities, other states have achieved federal certification to regulate both natural gas and other petroleum product facilities. For example, the Washington Utilities and Transportation Commission regulates

both natural gas and other hazardous substances through the same federal certification program that seems to be available to the Oregon PUC. See RCW 81.88.005, *et seq.* The Oregon PUC should explore using this existing statutory authority to regulate hazardous material pipeline facilities like those at the CEI Hub. Once federal certification is achieved, the Oregon PUC could partner with local jurisdictions like the City of Portland to implement and enforce the safety requirements.

## 2. Ensuring Fuel Resilience:

- Many RDPO jurisdictions are located along the Willamette and Columbia Rivers and would want to be engaged in an Oregon Solutions Project tasked with identifying a smaller alternate CEI Hub location. ~~Although industrial lands suitable for an alternate smaller CEI Hub may be difficult to identify, Metro President Peterson expressed her jurisdiction's willingness to help.~~
- Policy Committee members at the January 17, 2020 meeting expressed a desire to see the state ~~and local jurisdictions call for the immediate cessation of storage expansion in the CEI Hub and an increase in~~ join with local partners in creating efforts to create policy incentives and strategies to reduce our region's dependence on fossil fuels.
- Though Policy Committee members understand OSSPAC's charge for this report was a seismic and fuel resiliency focus, it is essential that more in-depth studies are conducted to yield a true picture of the risks to public and environmental health and local, state, national and international economies.
- The RDPO is already collaborating with the Oregon Department of Energy on fuel resilience planning in the face of a Cascadia earthquake and other major emergencies where fuel availability would be compromised. By 2021 all five RDPO counties and the City of Portland will have emergency fuel contingency plans in place (currently only Washington County has such a plan). The plans will contribute to both the state's ability to estimate fuel needs for a Cascadia event but also to know where that fuel is located. RDPO partners will also use their plans to determine how they can expand their local fuel storage to be more self-reliant during the first two weeks following a Cascadia event.

## 3. Partnerships and Incentives to Encourage Mitigation

- The RDPO Policy Committee would like to see any effort to establish incentives for the CEI Hub owners be balanced with legislation/regulation that holds them responsible for the cost of pre-disaster mitigation and post-disaster clean-up. The City of Portland and Multnomah County are currently undertaking a study on the feasibility of establishing disaster risk bonds or a form of insurance that would hold the CEI owners accountable for the cost of clean-up post disasters.

## 4. Utilizing ShakeAlert

- As an organization that has been championing the funding of a fully capable ShakeAlert system in Oregon, as well as in Washington and California, we are pleased to see OSSPAC recommending the expansion of ShakeAlert in the CEI Hub, where it could enable protective actions, such as valve shutoffs, potentially preventing life-safety and environmental health impacts.

In closing, we again express our gratitude to OSSPAC for producing the CEI Hub Report. We encourage State Resilience Officer Harryman to build – and include the RDPO on -- a multi-stakeholder coalition to select a few key recommendations that could be translated into successful legislative concepts for the next Biennium. We realize resilience is a long-game and a more complete and

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strategic mitigation strategy will involve significant investment and coordination across multiple sectors and jurisdictions. You have our commitment to serve as a partner for the long-haul.

Sincerely yours,

The RDPO Policy Committee

[Note: We need a majority to send this. Those jurisdictions signing on will be listed.]

cc: RDPO Steering Committee  
Mike Harryman, SRO