

Tips for Testifying at the Portland City Council Forum on July 15, 2019

Background

In December of 2017, Zenith Energy bought an old asphalt and crude oil terminal located in NW Portland. Within months of purchasing the terminal, Zenith Energy began importing tar sands crude oil by rail from Canada, storing the oil in NW Portland, and loading it onto tankers with destinations including China, South Korea, and California.

Not only is Zenith using old infrastructure permitted to transport asphalt in order to move tar sands crude oil through Portland, they are using permits filed by the terminal's former owner in 2014 to expand the facility. If new construction is completed, Zenith will achieve a four-fold increase in railcar unloading capability.

Ideas for Communicating to the City Council on July 15

By July 15, 2019, 145 days will have passed since the Mayor and City Council members expressed outrage and opposition to Zenith's plan to make Portland a hub for heavy tar sands oil. Since that time, thousands of Portlanders have urged the City to take action to rein in Zenith's new construction. As the City Council evaluates Portland's next steps, they should consider:

1. The City of Portland should stop approving any permits related to Zenith's expansions. Whether for electrical systems, rail unloading platforms, or new piping, the City needs to hold the line against Zenith gathering new approvals to expand its operation.
 - For example, Zenith has asked the City to approve new pipe, and Portland's permit website says, "The scope of this project is to install piping to transport biodiesel and a **liquid intermediate** that is used to make products such as polyurethane, adhesives, and sealants, which is purchased and utilized by local businesses." **Polyurethane is made from crude oil, and so it appears that the "liquid intermediate" could be crude oil or chemicals used to dilute tar sands (diluent). The City should deny this permit.** At the very least, the City should hold a public meeting about this permit request. The City must remain deeply skeptical of this type of proposal, which could establish key new piping links that will allow Zenith to ship crude oil and other dangerous substances in greater volumes. Portland's land use planning staff, transportation bureau staff, and environmental services staff have met with Zenith about multiple new permit reviews. They need clear direction from City Council not to issue new approvals without public notice, comment, and a serious review of how any new authorizations could lead to expanded oil shipments.
 - Remember - it was a single pipe link across an environmental overlay zone that allowed the City of Portland to review - and ultimately reject - the Pembina LPG terminal years ago. These small issues may offer the

critically important leverage that the City needs to rein in Zenith's oil train terminal plans.

2. The City of Portland should proactively engage with state agencies who are reviewing Zenith's spill plans and air pollution permits. Oregon DEQ must review Zenith's changing operations for compliance with the Clean Air Act. And Oregon DEQ has authority to review and approve Zenith's spill plans. Portland should work with Oregon DEQ to ensure that Zenith's plans receive detailed agency and public review. Portland should advocate that DEQ not issue permits to allow Zenith to produce significant air pollution in an area already impacted by high levels of smog and other air pollution. Further, Portland should urge DEQ to disallow oil shipments for which Zenith has not properly planned or drilled, such as potentially sinking tar sands oil.

3. It's time for the City to implement its fossil fuel zoning code amendments, passed unanimously in late 2016 under the Hales administration. The City successfully defended the constitutionality of this policy under Mayor Wheeler's tenure. It is very important that the City move quickly to put this landmark policy into practice before more Zenith-like proposals emerge.

4. Be sure to tell the City **why you care about this issue**. Portlanders have a wide range of concerns about Zenith. Here are just a few ideas for you to speak to City Council.

- Tar sands - the most polluting fossil fuel on the planet.
- Oil trains pose immediate, unacceptable safety risks to people in Portland. These risks fall disproportionately on communities of color and low-income people, according to a 2016 analysis by Multnomah County. Oil trains - and the City's current inaction to stop them - pose a serious environmental justice concern for our community.
- Oil spills. Zenith plans to handle heavy oil. Some of this oil from tar sands may sink when spilled and has proven virtually impossible to clean up once spilled. This is an unconscionable threat to the Willamette River, Portland Harbor Cleanup, and particularly the Columbia River where trains travel more than 50 mph (and would likely spill in a derailment).
- The risks from Zenith's activity follow the entire rail route through the Pacific Northwest and beyond. The City must consider the bigger threat when deciding how to approach its opportunities for evaluating the Zenith terminal itself.
- Air pollution. Portland is already experiencing levels of low-level ozone (smog) that exceed acceptable levels, according to DEQ. Unnecessary, dangerous facilities like oil train terminals produce volatile organic compounds and nitrous oxides that lead to the formation of smog. Additionally, the oils that Zenith handles sometimes contain very high levels of hydrogen sulfide and benzene, toxic, life-threatening pollutants that endanger residents along rail lines, workers, and first responders.