



Oregon Department of Environmental Quality

Fuel Tank Seismic Stability Rulemaking Fee Payers Informational Meeting Summary

Purpose of meeting

Date: May 15, 2023 by Zoom

Time: 10:30 a.m. -11:39 a.m.

On May 15, 2023, DEQ held a fee-payer informational to inform the fee-setting process and understand the regulated facilities' perspective. The May 15 meeting materials are posted on the [Fuel Tank Seismic Stability Rulemaking website](#).

Meeting Attendees

Killian Stoltenburg, DEQ

Svetlana Lazarev, DEQ

Mike Korten Hof, DEQ

Kelly Hayes –Phillips 66, Environmental Support

William Todd Burke – Phillips 66, Terminal Supervisor

Doug Lenz – Global Partners LP

Dustin Wilson – McCall Terminal

Brian Hoyman – TransMontaigne

Karl Bernard –TransMontaigne, Vice President of Terminal Operations

Bryan Webb – TransMontaigne

Tom Nilan – Environmental Compliance Manager, PGE

Kylie Grunow – Registered Oregon Lobbyist, Government Relations, Public Policy Consultant

Tom Keefe – Columbia Pacific

Alan Sprott – Vigor

David Mulkey – Shell Pipeline

Dirk Kramer- Zenith

Jim Verburg – WSPA

Welcome, Introductions and Rulemaking Overview

DEQ welcomed everyone to the meeting and provided an overview of the rulemaking process, the Rules Advisory Committee work and the proposed draft rules. Two fee structure options were discussed in the meeting.

Translation or other formats

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- Option 1:
 - Seismic Vulnerability Assessment Submittal Fee of \$39,000
 - Risk Mitigation Implementation Plan Submittal Fee of \$36,000
 - Annual Compliance Fee of \$23,000
 - Risk Mitigation Implementation Plan Modification Fee of \$5,000

- Option 2:
 - Seismic Vulnerability Assessment Submittal Fee of \$39,000
 - Risk Mitigation Implementation Plan Submittal Fee of \$39,000
 - Annual Compliance Fee not to exceed \$50,000
 - Risk Mitigation Implementation Plan Modification Fee of \$5,000

Discussion

The discussion focused on the following topics:

1. The amendment submission timeline.
2. The resources availability to comply with the June 1, 2024.
3. Potential impacts of the rules on small businesses and the public.
4. The timeline of the program and the end of the annual compliance fees once all the measures proposed in DEQ approved Risk Mitigation Implementation Plan are implemented and approved by DEQ.
5. DEQ's plans to hire an engineer and an inspector for the Seismic Stability program and to contract out assessments and plans reviews.
6. The need for the rule to address out of service equipment and idle equipment coming back into service.
7. The public comment process and DEQ's response.
8. The proposed fee structure and alternatives DEQ considered.
9. Clarification of the performance objective and codes requirements in the rules.
10. The role of the Oregon Department of Geology and Mineral Industries in the review process.
11. Considerations of site-specific condition in performance level requirements.
12. Potential facility shutdowns considering the high mitigation measure implementation costs.

Meeting Adjourned at 11:39 am.

Seismic Stability program contacts:

Seismic Stability Team

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