

## ROXBURGH Testimony: Pembina Propane Terminal Zoning Code Amendment (1.13.14)

As has been here shown today, the scale of potential disasters due to the placement of a large propane facility inside the Portland/Vancouver urban area more than outweighs any theoretical estimate of accident improbability. We believe that our region would not properly recover from such events for decades, if ever.

To avoid this danger, the solution seems clear: We must not make the requested zoning change.

We must not allow the thin end of an industrial zoning wedge through our environmental protections, because it will set an unfortunate precedent.

We must require planners to locate large energy storage facilities far away from our cities and towns, also well beyond the threat zones of any credible disaster (at least ten or twenty miles).

Federal and state regulators must require that these facilities are better protected from human error and any malicious intention (by the best means available). If necessary we must enact laws to ban the siting of large energy facilities inside or close to our urban areas.

I'd like to mention that there is a relevant section in Tort law known as Rest.2d §520 which gives an approach for determining whether an activity (like the one on the table) is "ultrahazardous" or "abnormally dangerous," setting forth six factors which are to be considered in determining liability. These are:

- "(a) existence of a high degree of risk of some harm to the person, land or chattels of others;
- "(b) likelihood that the harm that results from it will be great;
- "(c) inability to eliminate the risk by the exercise of reasonable care;
- "(d) extent to which the activity is not a matter of common usage;
- "(e) inappropriateness of the activity to the place where it is carried on; and
- "(f) extent to which its value to the community is outweighed by its dangerous attributes."

These can be answered, as follows:

- (a) The adoption of a 1% risk of tank collapse in 50 years is a high degree of risk.
- (b) The potential harm resulting from credible tank collapse and transfer tank BLEVE scenarios is great, and worst-case, parts of Portland and/or Vancouver would probably never fully recover.
- (c) Residents cannot eliminate the risk by any reasonable exercise of care, other than leaving.
- (d) Large propane facilities are not commonly embedded in cities.
- (e) Large propane facilities are inappropriate inside or close to urban boundaries.
- (f) Recognizing that Portland is considered to be well overdue for a big earthquake, and considering that propane tanks have been terrorist targets, the credible magnitude of loss for such incidents pales in comparison to the 50 direct jobs and several million dollars of taxes that Portland would receive from such a facility.

The scale of today's industry is unprecedented. Only by placing it cautiously and safely, will our cities more surely live to ripe, resilient old age.

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