

**From:** [Eileen Fromer](#)  
**To:** [Moore-Love, Karla](#)  
**Cc:** [Elijah Cetas](#)  
**Subject:** Re: Availability for testimony  
**Date:** Monday, February 24, 2020 12:08:24 PM

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Thank you, Karla.

Yes. I wish to reserve a 3-minute slot on April 29, 2020. Please have Elijah and I at the table at the same time as we will coordinate our comments regarding Zenith Energy.

Eileen Fromer  
8175 SW 71st Ave.  
Portland, OR 97223  
503-840-0997

Sincerely,  
Eileen Fromer

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**From:** Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>  
**Sent:** Monday, February 24, 2020 9:42 AM  
**To:** Elijah Cetas <er.cetas@gmail.com>; Eileen Fromer <EFROMER@msn.com>  
**Subject:** RE: Availability for testimony

Hello Elijah and Eileen

Sorry I did not respond earlier.

We are booked for Communications until April 29, 2020. If you and Eileen would like to speak on this date, you must each submit your own request including your name, address, phone, date you wish to speak (April 29) and topic.

**Please send your requests by Wednesday, February 26, 2020.**

Communications are the first item on the official agenda and the meeting starts at 9:30 a.m. You will have three minutes to testify but you may also submit written material, please provide six copies.

Communications allow the Council to hear issues that interest our community members but does not always allow an opportunity for dialogue.

Council takes place at City Hall, 1221 SW 4<sup>th</sup> Ave., 2<sup>nd</sup> floor, Council Chambers.

Sincerely,  
Karla



Karla Moore-Love

Council Clerk | City of Portland

1221 SW 4<sup>th</sup> Avenue, Room 130, Portland, OR 97204

(503) 823-4086

[www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)



**From:** Elijah Cetas <er.cetas@gmail.com>

**Sent:** Monday, February 24, 2020 9:30 AM

**To:** Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>; Council Clerk – Testimony <CCTestimony@portlandoregon.gov>

**Cc:** Eileen Fromer <EFROMER@msn.com>

**Subject:** Re: Availability for testimony

Hey there,

I'm resending this with the "Council Clerk" email attached this time, with the hope that Eileen and I can get on the agenda as soon as possible. Thank you!

Elijah

On Wed, Feb 19, 2020 at 11:58 AM Elijah Cetas <[er.cetas@gmail.com](mailto:er.cetas@gmail.com)> wrote:

Dear Karla,

Myself, and my colleague Eileen, are interested in testifying together during council's public session. When is the next available date?

Thank you,

Elijah

Request of Eileen Fromer to address Council regarding Zenith Energy  
(Communication)

April 29, 2020

Placed on File

Filed 4/21/2020

**MARY HULL CABALLERO**  
**Auditor of the City of Portland**

Keelan  
By McClymont Deputy  
Digitally signed by Keelan  
McClymont  
Date: 2020.04.21 10:38:47  
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COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Vacant		
3. Hardesty		
4. Eudaly		
Wheeler		

**From:** [Eileen Fromer](#)  
**To:** [Council Clerk – Testimony](#)  
**Subject:** For City Council testimony on 4/29  
**Date:** Monday, April 27, 2020 3:46:15 PM  
**Attachments:** [City Council and Zenith.docx](#)

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Dear Council Clerk,

Attached is a copy of the testimony I will give on 4/29. My testimony includes references to several policies in the 2035 Comprehensive Plan and I would like the Mayor and Commissioners to each have a copy.

With appreciation,

Eileen Fromer

Thank you, Mayor Wheeler, Commissioners Fritz, Eudaly and Hardesty.

I am a third generation Portlander and an owner of both commercial and residential property in Portland. I have been active in efforts to harness fossil fuels for the past 6 years, including the ban on new large fossil fuel infrastructures, 350PDX and more recently the Stop Zenith Collaborative.

I am aware that Zenith has applied for several new permits to add pipes, pumps and new railcar unloading platforms. However, I am here specifically to speak about their request for a long overdue air quality permit.

This request for an air quality permit gives the City an opportunity to question the legality of their operation of importing crude oil and using our air, land and water to transfer crude oil and send it out of state as well as overseas.

Our opportunity is to first inform DEQ that a new Land Use Compatibility Statement is a legal right required in order to issue any new or revised Title V air quality permit without the City's approval of land use.

The last time the City issued a Land Use Compatibility Statement for the address at which Zenith operates was in 1995...25 years ago and a lot has changed since then. Under Oregon law, the City of Portland retains authority to ensure compliance with our Comprehensive Plan and zoning through the issuance of a LUCS

Under Oregon law, a LUCS is required for a permit renewal where DEQ determines that "the permit involves a substantial modification or intensification of the permitted activity." Specifically, a LUCS is required where the permitted source or activity relates to the use of additional property (such as McCall's) or a physical expansion of the existing property." Zenith's well-documented plans to expand its pipeline system into McCall's property and dock clearly "relates to the use of additional property" and triggers the need for a new LUCS.

Zenith's plans directly contradict Portland's 2035 Comprehensive Plan.

First, Policy 6.48 states the City will limit fossil fuel distribution and storage facilities to those necessary to serve the regional market. Washington, California and overseas do not serve the regional market. Also, numerous Comprehensive Plan Policies grant the City authority to protect citizens from the many health and safety hazards posed by Zenith's terminal operation – including protecting air quality, watershed health, climate impacts and reducing fire and seismic risks. (See i.e., 2035 Comprehensive Plan Policies 4.14, 4.62, 6.38, 6.47, 6.49, 7.4, 7.4b, 7.5).

We understand that Oregon DEQ has raised concerns about whether Portland's most recent comprehensive plan has been "acknowledged" because it is being litigated. If this is true, it would be a remarkable usurpation of local authority for DEQ to consider a 1995 LUCS for an asphalt facility to be adequate in 2020 for a crude oil export facility. This would be especially

egregious given that Portland has already passed policies explicitly opposing new and expanded fossil fuel infrastructure.

Requiring the LUCS is our opportunity to hold true to our values of protecting our people and our environment from diesel fumes and possible fires and spills from up to 100 cars a week carrying crude oil. Our Portland community does not need additional hazards nor the downgrading of our community in order to support the distribution of climate killing fossil fuels.