

## Mooney, Susan

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**From:** Jeff Edelstein  
**Sent:** Monday, June 16, 2014 1:13 PM  
**To:** Mooney, Susan  
**Subject:** FW: 'tar sands' in definition of crude oil

To post under "Public Comments"

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**From:** Eben Rose [ebenrose67@yahoo.com]  
**Sent:** Wednesday, June 04, 2014 3:12 PM  
**To:** [edelstein@psouth.net](mailto:edelstein@psouth.net); Jeff Edelstein  
**Subject:** Fw: 'tar sands' in definition of crude oil

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**From:** Eben Rose [<mailto:ebenrose67@yahoo.com>]  
**Sent:** Tuesday, June 3, 2014 9:23 AM  
**To:** Jeff Edelstein; [edelstein@psouth.net](mailto:edelstein@psouth.net)  
**Subject:** 'tar sands' in definition of crude oil

Dear Mr. Edelstein,

I am probably not the only one to point out what might have been an oversight in the draft ordinance: that the term 'tar sands' is conspicuously absent from the document altogether. Because the DOC's charge is wrapped up in the term 'tar sands' under the aegis of a moratorium that is also centered on 'tar sands' prohibition, it is necessary that this term appear at least in the definition of "crude oil" at the end of the document.

The present version borrows the definition of 'crude oil' from federal code (40 CFR 80 Sub Y §63.561), with the terms "diluted bitumen and synthetic crude oil" added afterward. We all understand that 'tar sands' is a broad term that encompasses heavy crudes coming from, e.g., Mexico and Venezuela, and not just Canada, and that the tar sand-derived material that could potentially be piped through SoPo and loaded onto tankers is diluted bitumen. Functionally, the present definition may be successfully argued to be adequately synonymous with the term 'tar sands' for our purposes. However, any argument about synonymy can and should be avoided altogether by including the term 'tar sands' in the definition.

My suggestion is to borrow language again from federal code (40 CFR 60 §60.111b) with this addition (indicated in caps):

"Crude oil. A naturally occurring mixture consisting predominantly of hydrocarbons and/or sulfur, nitrogen, and oxygen derivatives of hydrocarbons that is removed from the earth in a liquid state or is capable of being so removed, AND THE OILS FROM TAR SANDS, SHALE, AND COAL; and includes diluted bitumen and synthetic crude oil; ...."

Please note that without this addition, the present definition may exempt tar sands that are removed from the earth in solid form, as is commonly done in the Athabasca region. Also, please note that the term "and includes" is also added here to cover the contradiction that synthetic crude oil is, in a strict sense, not naturally occurring.

My concern is not about the functionality of the prohibition— the term 'diluted bitumen' is our functional version of 'tar sands' that more accurately describes the lower-viscosity material being transported in pipes elsewhere and is a motivating cause for concern here. My concern is that absent the term 'tar sands' there may be some question raised as to how the product of the DOC is reconciled with its charge. Inclusion of the term 'tar sands', such as in the model language above, avoids any such ambiguity.

Please consider this modification in the final draft.

Sincerely,

Eben Rose

