

Mooney, Susan

From: Jeff Edelstein
Sent: Monday, June 16, 2014 1:13 PM
To: Mooney, Susan
Subject: FW: South Portland Draft Ordinance Committee - draft recommendations released

To post under "Public Comments"

From: Robert Whyte [robertfwhyte@gmail.com]
Sent: Thursday, June 05, 2014 8:29 AM
To: Jeff Edelstein
Subject: Re: South Portland Draft Ordinance Committee - draft recommendations released

Dear Jeff Edelstein

I respectfully submit these suggestions for the Draft Ordinance Committee's consideration as they make final adjustments to the draft ordinance. Overall I think they've done a good job.

p1, line 19-22

Add language indicating the city has engaged in long term planning for a long time, and the Comprehensive Plan is the result of almost 50 years of continuous work and deliberation, reflecting a couple of generations of input from citizens. This can be done by adding a new whereas just before the existing "Whereas, in 2012...". For example, "Whereas the City of South Portland has since 1967 engaged in a deliberative and formal ongoing long range planning process by which the City's citizens create and periodically update a direction and framework for managing future development of the City." This language is partly borrowed from first para of the Comprehensive plan.

p2. line 5-6

Add "[Emphasis in original]" at the end of the sentence to indicate the DOC has not capitalized the words. This also makes it clear that the original planners felt so strongly about these points that they took the trouble to emphasize them. As it stands now, it looks a little strange since it seems the DOC may have capitalized the words.

p2. lines 11, 16, 17, 21

Similarly - add "[Emphasis in original]" after the capitalized words.

p4. line 14-23

Add language somewhere in here indicating that "crude oil" covers many varieties, including the stuff that comes from tar/oil sands. This is our first and possibly only chance to prepare the audience for some of the thinking behind the ordinance definition of "crude oil". It is also the first (only?) chance to indicate by name that the broad sweep and intent of the ordinance also addresses tar sands oil. This is important because the moratorium is very specific that we are addressing the risk from tar sands. For example insert the following new whereas before the existing "Whereas, in 2009... "

"Whereas the Environmental Protection Agency (EPA), and other Federal and State agencies, and science and industry practitioners, use the term "crude oil" to encompass many varieties of naturally occurring petroleum products including but not restricted to those extracted from the ground in liquid state, and those extracted in other forms such as bitumen or oil extracted from tar sands and shale, and also such substances when subsequently diluted for transport as diluted bitumen, and synthetic crude oil."

p5. line 7-8

No need to change this as long as you include the new whereas in previous item. If you don't add the prior item, then p5 line 7-8 should be expanded to indicate "crude oil" is a broad term that encompasses liquid crude, tar sands, shale oil, diluted bitumen, synthetic crude, etc.

p5 line 12

Replace line 12 with following (my intent is to include their other storage tanks)

"PPLC's Hill Street or other crude oil storage terminal facilities in South Portland if any of those facilities were to be retrofitted in"

p7 line 8-11

Add language that gives some idea of the provenance of the 39 ton figure. Without any backing it could be a distracting and prime target for criticism. I understand the origin of the calculation is complex, but perhaps adding some phrase such as "...based on facts submitted by PPLC in their application to xxxx and EPA regulations and information..."

p11 line 3

Change the wording (not the intent) as follows to make it extra clear to a broad audience that the "related facilities" are only those that are related to loading crude oil. For example, replace line 3 with

"installation and operation of equipment, facilities or structures that are related to the bulk loading of crude oil onto marine tank vessels, and that would create"

This is a little cumbersome but will spell out the intent more clearly. Note, I have changed the sequence of "facilities, structures or equipment" to "equipment, facilities or structures" to make the following "is"/"are" work better grammatically.

p14

Add a severability clause.

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