

## HB 2131 -2, -3 STAFF MEASURE SUMMARY

### House Committee On Energy and Environment

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/13, 3/15, 4/17

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#### WHAT THE MEASURE DOES:

Directs Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to railroads that own or operate high hazard train routes in this state. Adds railroad cars to definition of "facility" for purposes of liability for oil spillage under oil or hazardous material spillage statutes. Defines "high hazard train," "high hazard train route" and "listed sensitive area" for purposes of contingency plans. Expands definition of "navigable waters" for purposes of applicability of oil or hazardous material spillage statutes to include inland watersheds and drinking water intakes that intersect with high hazard train routes. Requires proof of financial responsibility for high hazard train routes. Becomes operative January 1, 2018. Establishes annual assessment proportioned among certain railroads. Transfers moneys to Oil and Hazardous Material Transportation by Rail Action Fund. Becomes operative July 1, 2019. Takes effect on 91st day following adjournment sine die.

*REVENUE: Revenue impact issued*

*FISCAL: Fiscal impact issued*

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-2 Defines key terms, including the addition of railroad cars to definition of facility. Requires railroad in this state that owns or operates high hazard train route to have oil spill prevention and emergency response plan approved by Department of Environmental Quality (DEQ) and renewed at least one every five years. Requires Environmental Quality Commission (EQC), in consultation with State Fire Marshall, to adopt rules defining standards for preparation of contingency plans, oil spill response zones and amount of equipment required to be regularly located in zones. Requires railroad to offer training to fire departments with jurisdiction along high hazard train routes once every three years. Requires railroad to provide qualified company employee to advise state on-scene coordinator within one hour of discharge confirmation. Requires railroad to be capable of providing air monitoring; qualified personnel at discharge site; and deliver and deploy necessary equipment within time period established in rule by EQC. Requires railroad safety representatives to attend oil containment, recovery and listed sensitive area drill once every three years at time and location chosen by DEQ. Requires contingency plan to be submitted to DEQ within 12 months of rules being adopted. Requires DEQ to levy and collect annual assessment from rail carriers that equal \$\_\_\_ per year. Requires money to be deposited in Oil Spill Prevention Fund and Oil Hazardous Material Transportation Rail Action Fund. Establishes formula for calculating cleanup cost of "worst case spill." Requires submission of annual statement that describes insurance; capacity of average and larges trains; and additional information sufficient to demonstrate ability to pay cost of worst case spill. Becomes operative July 1, 2019. Takes effect on 91st day following adjournment sine die.

-3 Replaces the measure. Modifies the statewide hazardous material emergency response system. Modifies the scope of the statewide hazardous material emergency response system to include oil. Requires the State Fire Marshal to include statewide training exercises that include the Department of Environmental Quality, the Office of Emergency Management, state and local responders, federally recognized Oregon Indian Tribes and railroads as a piece of the statewide hazardous material emergency response system. Requires the State Fire Marshall to

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implement a full scale, multiagency, multijurisdictional and multidisciplinary oil or hazardous material spill training exercise that involves training for all manner of personnel necessary. Allows the State Fire Marshal to request of railroads operating in Oregon contact information, response materials and proof of financial responsibility. Allows moneys places into the Oil and Hazardous Material transportation by Rail Action Fund to be allocated to the payment of the expenses of coordinating the Department of Environmental Quality and the State Fire Marshal, the development of geographic response plans and environmental testing following oil or hazardous material spills.

### **BACKGROUND:**

On June 6, 2014, an Emergency Order issued by the U.S. Department of Transportation went into effect requiring railroad carriers operating trains transporting 1,000,000 gallons or more of Bakken crude oil in a single train to provide information to the State Emergency Response Commission estimated volumes and frequencies of the train traffic implicated. In 2015, the Legislature enacted House Bill 3225 which required the Office of State Fire Marshal to adopt a plan for the coordinated response to an oil or hazardous material spill or releases that occur during rail transport.

House Bill 2131 would direct the Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to railroads that own or operate high hazard train routes in this state.