

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 4004**

1 On page 2 of the printed bill, lines 8 through 13, restore the bracketed
2 material and delete the boldfaced material.

3 In line 24, after “waters” delete the rest of the line and delete line 25 and
4 insert “, a drinking water intake, or an inland location that is one quarter
5 mile or less from the waters of the state; and”.

6 On page 4, delete lines 6 through 9 and insert:

7 “(c) In the case of a high hazard train route:

8 “(A) A spill, measured in barrels of oil, that is equal to 20 percent of the
9 maximum volume of oil cargo that may be transported by a single train
10 within this state, based on 714 barrels per tank car; or

11 “(B) A spill of a larger or smaller volume of oil than described in sub-
12 paragraph (A) of this paragraph that the Department of Environmental
13 Quality determines is more appropriate given the site characteristics and
14 storage, unique operations, industry spill history and transfer capacity of the
15 high hazard train route.”.

16 Delete lines 41 through 45 and insert:

17 “**NOTE:** Sections 3 and 4 were deleted by amendment. Subsequent
18 sections were not renumbered.”.

19 On page 5, delete lines 18 through 22 and insert:

20 “(b) Failure of the department to approve or disapprove a contingency
21 plan for a high hazard train route within 90 days of the date that the con-

1 contingency plan is submitted to the department shall constitute approval of the
2 contingency plan.

3 “(c) A contingency plan for a high hazard train route shall be renewed
4 at least once every five years. Failure of the department to approve or dis-
5 approve the renewal of a contingency plan within 90 days of the date that
6 a renewed contingency plan is submitted to the department shall constitute
7 approval of the renewed contingency plan. An expiring approved contingency
8 plan shall remain in effect until the department approves the renewed con-
9 tingency plan.”.

10 Delete lines 28 through 45.

11 On page 6, delete lines 1 through 18 and insert:

12 **“SECTION 7. (1) A contingency plan for a high hazard train route**
13 **required under ORS 468B.345 must:**

14 **“(a) Identify the section of rail lines over which trains that trans-**
15 **port oil as cargo operate;**

16 **“(b) Describe the demonstrated capacity of the railroad that owns**
17 **or operates the high hazard train route, both in material resources and**
18 **finances, for the cleanup of a spill or release;**

19 **“(c) Include the following information related to specified personnel**
20 **and equipment that are available to respond to a spill or release:**

21 **“(A) The names, addresses, phone numbers and electronic mail ad-**
22 **dresses for the primary owner or operator of the high hazard route and**
23 **for the local primary contacts for the owner or operator of the high**
24 **hazard train route.**

25 **“(B) A list that identifies all personnel, equipment and services**
26 **available to respond to a spill or release pursuant to a written contract**
27 **between the owner or operator of the high hazard train route and**
28 **other entities.**

29 **“(C) The contact information for personnel available to arrive on**
30 **behalf of the owner or operator of the high hazard train route within**

1 **12 hours to respond to a spill or release or a threatened spill or release.**

2 **“(D) A description of the responsibilities of the personnel specified**
3 **in the contingency plan for responding to a spill or release.**

4 **“(E) The number, training preparedness and fitness of all dedicated,**
5 **pre-positioned personnel assigned to direct and implement the contin-**
6 **gency plan.**

7 **“(F) A description of how the contingency plan relates to and is**
8 **coordinated with the response plan developed by the Department of**
9 **Environmental Quality under ORS 468B.495 and 468B.500 and any rele-**
10 **vant contingency plan prepared by a cooperative, port, regional entity,**
11 **the state or the federal government in the same area of the state**
12 **covered by the plan.**

13 **“(G) The amount and type of equipment and supplies available or**
14 **other approved means to respond to a spill or release and where the**
15 **equipment and supplies are located.**

16 **“(d) Describe and provide for the following related to notification**
17 **of a spill or release:**

18 **“(A) Methods to be used for initial detection of a spill or release.**

19 **“(B) Methods to be used for immediate notification of qualified in-**
20 **dividuals at the railroad that owns or operates the high hazard train**
21 **route.**

22 **“(C) Call-down lists for notification of federal, state, local, Tribal**
23 **and other entities.**

24 **“(D) Demonstrated ownership of or access to an emergency re-**
25 **sponse communications network covering the entire high hazard train**
26 **route. The emergency response communications network also shall**
27 **provide for immediate notification and continual emergency commu-**
28 **nications during cleanup response.**

29 **“(E) Circumstances and time frames for notifications to be made.**

30 **“(F) Follow-up requirements for notifications, provided for on a**

1 **24-hour basis.**

2 **“(2) The Department of Environmental Quality may not require the**
3 **owner or operator of a high hazard train route to submit, as part of**
4 **a contingency plan, information constituting sensitive security infor-**
5 **mation under 49 C.F.R. 1520.5(b)(12); 49 C.F.R. 1520.5(b)(14) and 49**
6 **C.F.R. 1520.5(b)(16).”.**

7 In line 27, delete “commission adopts rules under section 7” and insert
8 “effective date”.

9 On page 7, line 5, after “or” insert “by”.

10 On page 12, line 2, after “17.” delete the rest of the line and delete lines
11 3 through 6.

12 In line 7, delete “(2)” and insert “(1)”.

13 After line 16, insert:

14 “(2) A railroad that owns or operates a high hazard train route may sat-
15 isfy the requirements of this section by submitting to the department a copy
16 of the Form R-1 Railroad Annual Report required by the United States Sur-
17 face Transportation Board.”.

18 In line 20, delete “3, 4,”.

19 In line 28, delete “3, 4,”.

20
