



HAZARDOUS MATERIALS RULES ADVISORY COMMITTEE

**Thursday, November 13
1 p.m. – 3 p.m.**

ODOT EAST SALEM COMPLEX
BUILDING X
STATE STREET & AIRPORT ROAD
SALEM, OREGON

MEETING #2 SUMMARY

Committee Members Attending:	Patrick Brady, Darrell Brock, Ray Denny, Hal Gard, Joel Haka, Les Hallman, Henry Heimuller, Dave Howe, Dan Martinez, Steve Massey, Brock Nelson, Don Pettit, Mariana Ruiz-Temple, Dave Stuckey, Rick Till, Patrick Trapp, Kenneth Yohe
Facilitator:	Doug Zenn
Guest(s):	Thomas Cuomo, Carla Groleau, Courtney Johnston, Laurie Kunze, Robert McGuire, Dana Pompetti, Brain Proffit, Mark Spross, Ryan Tribbett, Chris West, Laura Wolfe, Peter Wong
Staff:	June Carlson, Savannah Crawford, Victor Dodier, Erik Havig, Bonnie Heitsch, John Johnson, Chris Kuenzi, Bob Melbo, Jack Svadlenak, Dave Thompson, Rhonda Urben

Introduction

Hal Gard, welcomed the group to its second meeting. Facilitator Doug Zenn, introduced the agenda and the meeting objectives. Zenn reminded the group about the role of this committee (from last meeting) and ground rules for conducting conversations, including instructions for those participating in the meeting via phone.

Updates since last meeting

Zenn updated the group about conversations that had occurred between meetings. He provided a summary of phone conversations with those committee members not affiliated with the State of Oregon or railroads. The conversations were to provide updates on project progress and member check in on additional communications and/or notification needs of committee members. He said there were a number of broader concerns about rail from some committee members that were likely beyond this committee’s charge, but could be addressed in other forums with state agency staff.

Gard reported that ODOT, OSFM, OEM, and DEQ met to better understand individual state agency roles and responsibilities in responding to hazmat incidents and to identify the communications and notification needs to support those responsibilities. Communication and notification needs were described in two categories: Commodity Flow for Planning & Incident Response.

He said ODOT also met with railroad representatives and the results of those conversations has been incorporated in proposed changes to rule language.

Proposed Rule Language Modifications

Zenn outlined how the group will review each of the individual rules and expectations for the group. He said the primary objectives of the discussion would be to ensure a common understanding of rule intent among the group and to discuss whether the current language meets that intent in the best way possible.

RULE 0010

Several in the group suggested that this definition of incident would be too broad and would require reporting far beyond what is intended. “Derailment” definitions and “amounts spilled” might be clarified. It was suggested that this language be compared and aligned with federal language. It was also suggested that territorial limits be considered here (or perhaps in 0020). The group also discussed notifications to make sure dispatch wasn’t bypassed. The group suggested that “what” needs to be reported may need clarification above and beyond what is there now. The rule needs to ensure tribes are notified as well.

RULE 0015

The group did not have significant issues with this rule, which was previously listed under hazardous waste and moved here. One member asked whether this rule could or should outline which railroads would fall under this rule. The answer was all that carry hazardous materials.

RULE 0020

This rule needs clarification. A number of members felt this rule was out of date as far as reporting information is concerned. However, the group discussed that it needs to make sure it fully understands how this information is used and by whom before eliminating it. Staff said it would pull together a representative sub-team to work on this.

RULE 0025

The group discussed adding some clarity on this rule with regard to what is reported (capacity, quantity, numbers of cars) Committee members suggested this might be cleared up in a footnote. It was also suggested that this should be reviewed to make sure it aligns with federal requirements. The State Fire Marshal is also working to incorporate rules that speak specifically to federal requirements so that effort can be coordinated with this one.

The group also discussed the public’s right to know about hazardous materials shipments balanced with the proprietary nature of some of this information. The group agreed there’s more work to be done on this rule and members will submit additional comments and suggestions.

RULE 0027

The group discussed this rule for a common understanding of its specific intent, which is to utilize the state records request rules for public information requests. The rule aims to get needed information to responders, yet allow for redaction, where appropriate, of proprietary or security sensitive information for general requests. The group suggested changing the name of this rule to more accurately reflect the intent and to note the interplay between 0025 and 0027.

RULE 0035

The group discussed this rule for clarity of who would be called and what might happen if an incident occurs in an area with weak or no cell service. The group suggested double checking to make sure this rule does not conflict with federal guidelines and also to see how this relates to 1580. It also suggested noting the commonality with 0020.

RULE 0045

The group discussed this rule's intent, which is more administrative reporting, not necessarily for immediate response. The group expressed some concern about the definitions and criteria of what is needed in reporting. This was brought up as part of the definitions rule (0010). The rail representatives will provide additional written suggestions on this. The group also suggested putting a reporting time in the rule. This could be renamed "Notification for State Agencies"

RULE 0050

There were no suggested changes to this rule.

Next Steps/Wrap Up and Evaluation

Zenn noted progress from the day, reviewed action items from the meeting, reviewed what will happen between meetings and remind the group about the next meeting. Staff is currently aiming for early January for the next meeting.

Zenn reminded the group that staff will further pursue some specific items (as identified in this meeting) with individuals between meetings and (if needed) bring suggestions back to the next meeting.

Zenn passed out a meeting evaluation form and let the group know that if they have issues/concerns/suggestions with these meetings or the process that they can call Zenn or ODOT staff with suggestions.

Adjournment

The meeting was adjourned at 2:50 p.m.