

Emergency Response

High Hazard Rail Planning EQC Proposed Rule Adoption May 2021

Outline of Today's Presentation

- Reasons for Rulemaking
- Background
- High Hazard Rail Rules
- Public Comments
- Questions
- Recommendations

Reasons for Rulemaking

- Rulemaking in response to Statute created by HB-2209
- Existing language under ORS 468B.300 defines High Hazard Rail, but there are no provisions under OAR
- HB-2209 stipulates community and tribal involvement in response activities.

Reasons for Rulemaking

continued

Addressing Contingency Plan requirements for High Hazard Rail through Oregon and implementing existing statute into OAR.



Mosier Derailment 2016

Reasons for Rulemaking

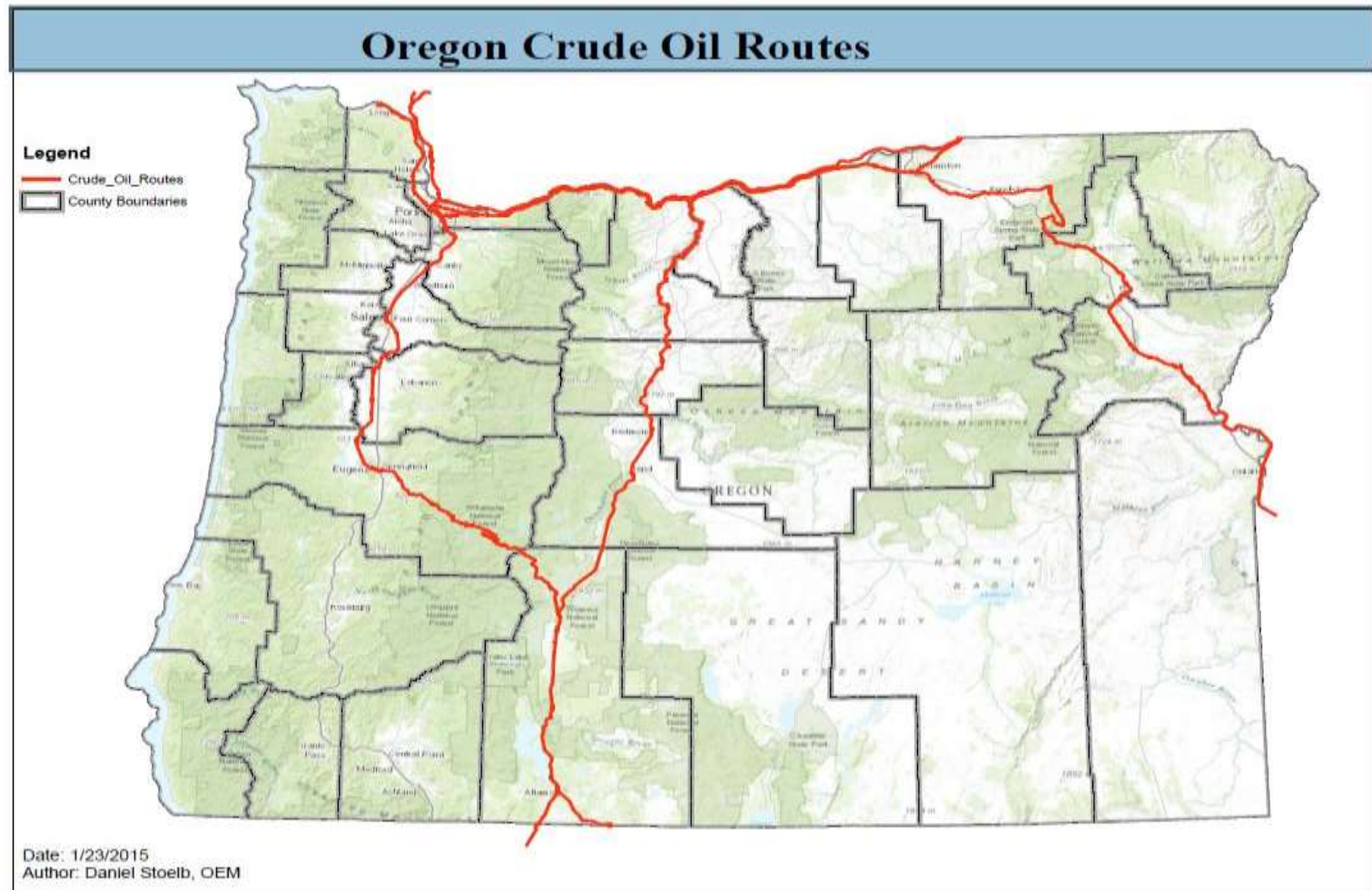
continued



Custer Derailment – December 22, 2020

10 mid-train cars derail at 7.2 mph
2 cars breached and catch fire

High Hazard Rail through the state



High Hazard Rail through the state

Analysis of Crude Oil Transport by Rail in Oregon

(numbers are maximum number of cars)

Year	2016	2017	2018	2019	2020Q1	2020Q2	Max Vol of past 4 years	Max Year
BNSF	3506	3248	5687	9167	3773	2026	9167	2019
UP	6533	6278	7310	13930	4544	2151	13930	2019

Bold = More than one UN ID used for crude products transported (UN1267 & UN3494)

Not Bolded = Just UN1267

Note: Does not contain refined products (such as fuel oils or petroleum distillates) or other wellfield products such as

Octanes/ Petroleum Condensates, Wellhead Condensates or Combustible Liquids NOS

BNSF UN1267 reports as "Petroleum Crude Oil"; STCC of 4910165 & 4910191

UPRR UN1267 reports as "Petroleum Crude Oil or Petroleum Oil or Shale Oil, Crude; STCC 4910191 & STCC 4910165

UPRR UN3494 reports as "Petroleum Sour Crude Oil, Flammable, Toxic or Petroleum Oil or Shale Oil, Crude; STCC 4910599

Updates to the Rules

- Update to some existing Vessel and Facility rules
- Establishes a new section specific to HHR
- Incorporates new rules into existing rules that cover Oil Spill Contingency Planning and Fees from Chapter 340, Division 141

Updates to the Rules

By implementing these rule updates, we will be able to:

- Establish planning and response requirements specific to High Hazard Rail
- Ensure safety of emergency responders and local communities
- Enforce required updates and drill and exercise requirements for railroads operating High Hazard Rail
- Integrate the development of Geographic Response Plans into the High Hazard Rail planning process

HHR Rules

Section 340-141-0250

Definitions specific to HHR

Section 340-141-0260

Oil Spill Contingency Plans for High Hazard Rail
Applicability

HHR Rules ... continued

Section 340-141-0265

Contingency Plan Contents

Section 340-141-0270

Drill and Exercise Requirements for HHR

HHR Rules ... continued

Section 340-141-0280

DEQ Responsibility to Review and Approve Plans

Section 340-141-0282

Plan Maintenance and Use

Section 340-141-0285

Plan Update Timeline

Rule Development process

RAC #1
6/11/20

RAC #3
10/6/20

EQC May
2021

RAC #2
8/4/20

Public
Comment
Period and
Hearing
December 2020

Public Comments

Overall

- General support for the rules
- Need for rules is agreed upon
- Financial assurance and air monitoring were key themes
- Some items asked about have already been established in statute and thus unable to change

Public Comments *continued*

Added clarity:

- Drill and exercise requirements
- More standard language throughout the rules
- Updated language used in the HHR rules section

Public Comments *continued*

- Support for:
 - Air monitoring provisions
 - Sensitive resources inventory
 - Proof of financial coverage

- Disagree on the definition of Worst Case Spill



Public Comments - Summary

- Majority of comments showed support for the rules
- Some comments lead to changes and updates to the rules
- Proposed \$20 fee section was pulled for further multi-agency development
 - No effect on DEQ funding

Questions for us?



Recommendation

DEQ recommends that the Environmental Quality Commission:

Adopt the proposed rules concerning High Hazard Rail as part of Chapter 340, Division 141 of the Oregon Administrative Rules