



State of Oregon
Department of
Environmental
Quality

Legislative Concept Request 465: High Hazard Rail

Oregon is currently under-prepared to mount a significant response to both oil and hazardous materials substance releases to protect critical resources along our inland rail corridors. The safety review examined several inland crude oil spills, lessons learned from those spills, and preparedness deficiencies in the state. Primary issues identified include the need for contingency planning, the lack of information regarding the behavior of oil when spilled, the limited response equipment resources in close proximity to a spill, and lack of coordinated training among responders.

Oregon has identified key deficiencies in the following areas:

- Authority to review and approve industry prepared contingency plans
- Development of Geographic Response Plans (GRP's) that aim to identify and protect critical resources at the local level, and
- Requirements for drills and exercises to ensure a well-coordinated response.

Existing statutes do not apply oil spill prevention and emergency response planning to railroads that operate high hazard rail routes in Oregon. DEQ lacks the authority and funding to review and evaluate rail operator's capacity to respond to spills from trains transporting oil in Oregon. This limits DEQ's capacity and authority to coordinate with key stakeholders to identify critical resources at risk along high hazard rail corridors and locally tailored spill response strategies. Washington and California have addressed similar regulatory gaps in recent years.

Comprehensive spill preparedness and response requires coordination between several types of plans:

- Government developed spill response plans - identify authorities and responsibilities to provide for an orderly and effective implementation of response actions to protect people, natural resources and property from oil spills. The Region 10 Northwest Area Contingency Plan (NWACP) is the Oil and Hazardous Materials Response Plan for the State of Oregon (co-lead agencies: OSFM and DEQ).
- Industry prepared contingency plans - describe the plan holder's ability to respond to oil spills. In Oregon, DEQ has review and approval authority for maritime shipping and oil handling facility plans, but no state agency has authority to review and approve railroad plans (ORS 468B.345-500).
- Geographic response plans (GRP's) - tactical response strategies planned and exercised in advance that guide oil spill response for specific areas and that protect sensitive natural, cultural or significant economic resources at risk from injury from oil spills (Oregon lead authority: DEQ).
- Local Emergency Planning Committee plans - developed by elected officials, police, fire, health, facility and community group

Completing the Picture for Emergency Planning

This LC would establish the authority and resources for DEQ to review and approve industry contingency plans and to obtain resources for developing locally tailored Geographic Response Plans along high hazard rail corridors.