

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND
TRANSPORTATION**

February 15, 2001 Hearing Room 343
3:00 p.m. Tapes 33 - 34

MEMBERS PRESENT: **Sen. Gary George, Chair**
 Sen. Rick Metsger, Vice-Chair
 Sen. Sen. Margaret Carter
 Sen. Sen. Beverly Clarno
 Sen. Sen. Ken Messerle

STAFF PRESENT: **Patrick Balducci, Administrator**
 Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:
 Hazardous Material Cleanup on Hwy 20 - Informational
 SB 63 Public Hearing
 SJR 5 Public Hearing
 SB 445 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 33, A		
006	Sen. Gary George	Chair. Opens meeting at 3:10 p.m. Opens informational meeting on hazardous material cleanup at Hwy 20 on the Yaquina River, January 27, 2001.
010	Patrick Balducci	Staff. Introduces witnesses on hazardous material.
032	Keith Anderson	Western Region Clean-up Program Manager for Department of Environmental Quality (DEQ), Eugene. Responds to spill on Hwy 20. Explains the accident occurred at 2:15 a.m. and that DEQ got a call from Oregon Emergency Response at 2:50 a.m. regarding the tank truck accident. The U.S. Coast Guard at Newport was notified and the Toledo Fire Department was first on the scene. DEQ's initial response is to go to the scene and assure that all appropriate contacts are made and resources mobilized. Gives run down on sequence of events following the accident. By 3:45 a.m. all parties were notified. The initial containment effort did a good job of containing the bunker oil spilled. (EXHIBIT A)
150	Sen. Messerle	Comments on emergency response situations such as the incident when the ship, New Carissa, grounded and spilled oil near Coos Bay. Asks how the emergency response command works. Says there is a need for one person to be in charge.
154	Anderson	Describes that the fire department were first on the scene.
160	Sen. Messerle	Answers that there needs to be one person in charge of the entire response. Gives example of the New Carissa incident.
1165	Chair George	Asks why the fire in the truck cab was not acted upon immediately. The truckers said that all the identifying markers

		were on the truck telling responders what it was carrying. Asks why the responders did not know the tanker was carrying bunker fuel.
236	Anderson	Responds he does not know the answer.
253	Chair George	Asks if resources could be placed regionally to be ready for cleanup response, and ponders the cost of emergency equipment.
262	Anderson	Answers that he is not knowledgeable on the regional placement of clean-up equipment but a boom costs about \$100 a foot. Newport Coast Guard provided equipment. Says 3400 feet of boom was out at one point. Identifies where equipment is located.
283	Sen. Carter	Asks if the state of Oregon has a task force for first response.
288	Anderson	Responds there are a number of emergency response groups including Environmental Protection Agency (EPA) and U.S. Coast Guard, primarily associated with marine terminals. At Coos Bay and Portland Harbor companies. There is a group that practices drills.
299	Sen. Carter	States the problem seems to be who is in charge at these emergencies. Suggests cross-jurisdictional management for all of Oregon with one group in charge of a command center.
309	Mike Zollitech	Headquarters, DEQ. Describes the state emergency response council. Describes the emergency command system available. Explains that as much of the responsibility for clean-up is left to the responsible party if they can do it.
398	Chair George	Comments that it was 13 hours before the booms got out there. Asks how that could have been speeded up.
410	Zollitech	Responds that whoever has the resources to repond. The responsible party is given first chance to repond.
420	Chair George	Asks Mr. Zollitesch to look into that statute.
427	Sen. Messerle	Asks how effective the booms are. Comments that booms looked good but did not work in the oil spill by the New Carissa.
450	Anderson	Describes different kinds of booms and pom pom snares and shrimp nets. Says there were good cleanup results.
455	Sen. Messerle	Asks what percentage of the oil released was recaptured.
458	Anderson	Says they will probably never know.
TAPE 34,A		
065	Anderson	Describes recapturing oil from the spill.
075	Chair George	Describes picking up bunker oil with shrimp nets.
084	Zollitech	Describes labeling of tanker trucks.
100	Bob Wood	District 4, Maintenance Manager, ODOT. Describes traffic control at the accident site. Says his group was second on the scene. Explains how the people in charge are determined.
122	Chair George	Suggests there may be legislation regarding emergency response.
145	John Pung and Ann Harper	Elk City Tackle, residents of the area of the accident. Discusses press releases by DEQ. Describes many different government agencies on the scene but the people who lived in the area were not treated right. States that what the people saw and what was reported are different.
222	Pung	Continues discussing the accident and oil spill. Concerned with delayed action in clean up.
230	Chair George	Asks what should have been done.
235	Harper	Explains that training the local fire departments is needed. Volunteer fire departments need to be trained for emergencies. Asks when there are bigger emergencies such as earthquakes,

		what will the fire department do. Emphasizes the need for training of firemen. The truckers association should notify the area emergency centers when they travel through with hazardous material.
296	Pung	States the problem is with response and asks what will they do at the next emergency.
300	Chair George	Discusses the emergency response issues that this committee will address.
312	Pung	Describes those who responded and those who were not ready. Describes how the oil went down river.
344	Chair George	Closes informational meeting. Opens public hearing on SB 63.
SB 63 PUBLIC HEARING		
374	Balducci	Explains SB 63 and amendments (EXHIBIT C).
395	Chair George	Closes public hearing on SB 63 and opens public hearing on SB 63 and SJR 5.
400	Balducci	Gives background on SJR 5.
SB 63 and SJR 5 PUBLIC HEARING TAPE 33, B		
007	Richard Rix	Oregon Voluntary Organizations Active in Disaster. Speaking on behalf of Norene Goplen. Supports SB 63 and SJR 5. Describes disaster plans. Describes disasters that experienced loss of water and infrastructure for communities. Suggests the Northwest Medical Team and other volunteer teams be part of the task force for emergency response (EXHIBIT D).
070	Chair George	Asks if the principals of the bill have an amendment.
075	Ricks	Says they will get together with the principals.
100	Balducci	Explains the funding and a proposed amendment.
137	Art Schlack	Association of Oregon Counties (AOC). Introduces Commissioner Tony Hyde, Columbia County, and Commissioner Dan Erickson, Wasco County, Co- Chairs of the Association of the Oregon Counties Disaster Relief Subcommittee.
168	Tony Hyde	Columbia County Commissioner. Supports SJR 5. States a Disaster Relief Fund must first be established. Describes flood of 1996 in counties that could not afford their losses. Describes the Ohio Valley flooding. Explains how Federal Emergency Management Association (FEMA) operated in the 1996 flood along with the Oregon Emergency Management Association.
224	Dan Erickson	Wasco County Commissioner. Concurs with adding someone else on the task force. Describes the flash flood of July 1995 in Wasco County followed by the flooding in 1996.
240	Chair George	Closes public hearing on SB 63 and SJR 5. Opens public hearing on SB 445
SB 445 PUBLIC HEARING		
270	Balducci	Explains SB 445. Reads opposing testimony from Special Vehicle Institute of America.
382	Sen. Messerle	Asks for copies of the letter for the committee.
390	Curt Curtis	Oregon State Police. Opposes SB 445. Explains the danger on the highways of all terrain vehicles. Suggests this bill may not be enforceable (EXHIBIT E).
482	Sen. Messerle	Asks if there are ways that this could work for farmers moving from one ranch part to another.
491	Curtis	Replies if the ATV were confined to one's own property or if the

495	Chair George	speed was limited and lights accounted for. There is a concern about pushing the limits on these vehicles.
491	Curtis	Asks if agricultural purposes would mandate a slow moving sign on the vehicle to make it safe and legal.
		Answers that anything that would make visibility of the vehicle better would be helpful.
TAPE 34, B		
106	Jean Underhill Wilkinson	Oregon Farm Bureau. Supports SB 445. Explains why farmers need ATV flexibility on roads. Suggests some narrowing or restrictions of the bill would be acceptable (EXHIBIT F).
120	John Rossner	Past president of the Oregon Farm Bureau. Yamhill County. Has slow moving sign on his ATV. Does not drive it at night or in the rain. Drives at 15 mph. Endorses the concept of SB 445.
183	Chair George	Comments that long distance driving of an ATV wears tires.
190	Glen Stonebrink	Oregon Cattlemen's Association. Explains that cattlemen use ATVs instead of horses in many instances. Asks about making ATVs legal in exclusive farm land or forest land. Suggests excluding driving after dark.
200	Sen. Messerle	Is reluctant to narrow it too much. Speed limit, slow signs are ok.
210	Stonebrink	Suggests using law that tractors use.
212	Chair George	Agrees not to narrow it too much. Says there is a need for farm use of ATVs. Says a small amendment would be ok.
236	Sen. Metsger	Says he thinks we should amend the bill before we move it.
242	Sen. Clarno	Agrees and says a speed limit is needed. Asks about operating on state highways prior to sundown, after sundown lights are needed.
271	Rossner	Says when he is on the highway he uses lights.
275	Kelly Taylor	ODOT. Defines highways. Describes amendment that is being worked on that will exempt ATVs from registration. States ODOT will try to make a good balance in allowing ATVs some flexibility. ATVs are not road vehicles, but they have become a part of the farm work force.
279	Staff	Submits (EXHIBIT G).
280	Chair George	Adjourns 4:55 pm.

Submitted By,

Reviewed By,

Nancy Masee,
Committee Assistant

Patrick Balducci,
Administrator

EXHIBIT SUMMARY

- A - Written testimony, Keith Anderson, 2 pp**
- B - Written testimony, John Pung, Ann Harper, 9 pp**
- C - SB 63, -1 Amendment, Staff, 7 pp**
- D - Written testimony, Richard Rix, 4 pp**
- E - Written testimony, Curt Curtis, 2 pp**
- F - Written testimony, Jean Wilkinson, 1 p**
- G - Written testimony, John Beaulieu, 36 pp**