

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

June 03, 1991Hearing Room E 1:00 p.m.Tapes 195

MEMBERS PRESENT:Rep. Parkinson, Chair Rep. Whitty, Vice-Chair Rep. Burton Rep. Courtney Rep. Naito Rep. Norris Rep. Repine Rep. Van Leeuwen Rep. Watt

MEMBER EXCUSED: ?Sen./Rep. Name

VISITING MEMBER:?Sen./Rep. Name

PRESENT: Kathryn VanNatta, Committee Administrator Andy Sloop, Committee Assistant ?Name, Legislative Counsel

MEASURES CONSIDERED: SB 242 (PPW) HB 2575 (PPW) SJM20 (PPW)

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 195, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 1:41 p.m. Representatives Van Leeuwen and Burton not present and excused.

PUBLIC HEARING - SB 242 Witnesses:???????

10LYDIA TAYLOR, DEQ: Testifies in support of the measure. (EXHIBIT A)

85par: ???

???

100 tay: The amount of money that could be spent would be subject to limitations set by Ways and Means or the E Board.

104 par: It says "'the fees will be subject to. You keep ducking my question."

(bur: arives 1:50)

???

118 BRUCE SOUTHERLAND, DEQ: The state has an oil spill response fund. This bill would establish a preventiative approach to oil spills.

121 rep: Is there any money in that response fund?

123 ?????

???

131 sou: Don't know what's in that fund, but it traditionally has been spent.

146 nor: What do you consider "Oregon waters" under this bill?

148 tay: ?????

???

158 nor: ?????

162 sou: Wasington has passed legislation establishing a committee to address this isue.

166 nor: ?????

168 sou: They have a comp. oil spill bill about 95 pages long that describes ???

172 nor: Is their coop with Oregon outlined in that bill?

173 sou: Yes.

175 whi: ???

179 sou: Yes.

184 ROD DOUGLAS, PORTLAND STEAMSHIP OPERATORS ASSOCIATION: Testifies in uspport of the measure.

>Attracted to Washington State oil spill response legislation, lobbying to get it defeated i\on condition that Oregon would address this issue on Columbia.

>Close to resolving questions about transfer fee proposed in this measure.

212 par: ?????

213 dou: Believe parties are in agreement on this, but waitng for final OKs.

218 nor: What legal authnority do we have inside the three-mile international boundary off the coast of Oregon?

223 sou: ???? Foreign carriers would be liable for spills.

240 whi: Would this also cover non-petroleum products?

245 sou: ????

250 rep: Mr. Douglas, is it standard practice to have two officers on
????

???

294 john burns, western states petroleum association: Participated on
Sen. Ag. work group on this measure.

>dash 8: Bill, as written, permits DEQ in rule making process to
require that tank vessels ????. This would be asking Oregon to be only
state in the country to lash spill response teams on top of tenuous
riggings on tankers, which could cause a spill rather than prevent it.
Also question about how to get booms off of a tanker deck that is 30 or
40 feet above the water.

378 par: Ms. Taylor, why was this language put in the bill?

381 tay: Best to prevent spills, than best to control spills. The
department could live without this language.

394 whi: Does the department have any way to ascertain if tankers have
crew trained to use equipment that would be required under this bill?

412 tay: No.

420 whi: I used to make training films for the Navy, and none of the
training films I made ever got used in a year and half.

TAPE 196, SIDE A

15par: Closes public hearing and opens work session.

WORK SESSION - 242

18cou: ??????

23tay: Oregon coast, Columbia and Willamette.

26cou: So, where would response teams be required to be and how would
they get where spills occur?

28bur: ???????

????

80nor: You've made a persuasive argument to take those booms off
vessels, but ???

85burns: ???

88nor: ?????? Shouldn't that be Chevron's responsibility?

96burns: This would require tank vessel to place booms.

98nor: Is that intent?

100 tay: ????

104 nor: Would make more sense to make in-state facility, with English speaking personnel, responsible for placing booms.

108 dou: ????

127 burns: Dash 9 would mandate everybody to submit evidence of structural and mechanical integrity on schedule set by rule of EQC. ??? (148) This would allow waiver to of annual showing of evidence, if can make good case for waiver.

160 par: Does the department have any objections to this amendment?

162 tay: No.

164 burns: Explains dash 10 amendments, which would allow the Department of Fish and Wildlife to go after parties liable for spills under the Federal Oil Pollution Act.

192 JILL ZARNOWITZ, DEPARTMENT OF FISH AND WILDLIFE: ?????

220 par: ??? Looks like the difference in the amendment is the reimbursement. Is that reimbursement controversial?

260 burns: Don't think so.

263 tay: If industry is prepared ????

270 par: Would it be the Departmet of Fish and Wildlife that would be authorized to administer the reimbursement?

278 bur: ????

281 burns: Yes.

283 bur: Why does Fish and Wildlife object to that?

288 zar: I made a mistake.

290 bur: Than you don't have a problem with this?

291 zar: No.

295 burns: ????

306 cou: Where is DEQ on the dash 11 amendments?

308 tay: ?????

315 dou: ????

332 zar: Deleting reimbursement to the department of Fish and Wildlife would undermine the deaprtment's ability to provide rehabilitation for oiled wildlife.

345 ????

355 zar: One FTE.

365 nai: Why does LCDC need to be in this?

375 tay: ????

397 par: have DEQ and ODFW been working together on this?

400 tay: yes. ????

TAPE 195, SIDE A

10whi: Are you sure where all "facilities" that would be regulated under this are?

24tay: ??? Under this proposal, there would be a cap on "facility" fees ???

40par: Would this apply to tributaries of the Columbia and Willamette?

41tay: yes.

43par: Couldn't this lead to double regulation.

50cou: If we just remove the LCDC reference on page 11 of the bill, what would that do?

62tay: ????

65cou: Fish and Wildlife is the clean up point agency in this whole thing, isn't it?

68tay: ??? Clean up would be the responsibility of the DEQ, in cooperation with the Coast Guard.

76cou: Still don't understand role of DLCD in this.

80sou: DLCD responsible for ocean management plans.

90nor: ????

101 KENT ROBERTS, COLUMBIA RIVER TOW BOATS ASSOCIATION: ??? (121)
Similar to Clean River Cooperative operating on the Colubia for several years.

130 nor: ????

135 rob: That's basically correct. Vessels that venture inland ???

144 par: Is this bill intended for the Colubia and the Willamette?

146 tay: Basically.

148 par: Would you mind stating that in the bill?

150 tay: No.

156 whi: ???

160 tay: Will be proposing consensus amendments ???

???

167 tay: Proposing ???

172 whi: If you have a cap on an area, like facilities, then that amount ???

181 tay: Yes. It would allow some discretion to the EQC.

185 whi: And if you discovered more than 45 facilities ????

192 whi: ????? Where are you going to get the money from?

199 tay: If the state goes through a recession, ???

205 van: Ms. Taylor said this had been agreed to. Agreed to be who?

209 tay: ?????

215 burns: Explains the dash 15 amendments. If don't adopt rules until July 1, 1992, and require submission of contingency plans in January 1993, that's only 6 months. Need 12 months to get contingency plan developed.

300 OREGON PUBLIC PORTS ASSOCIATION, ?????: Testifies in support of the measure and proposes amendments. (EXHIBITS I, J AND K)

TAPE 196, SIDE B

03whi: Is one of the factors in "relative risk" the number of miles traveled?

06tay: ?????

15whi: As a port commissioner, my experience has been that almost all accidents in Coos Bay occur a a bridge.

?????

51vannatta: ?????

57????: Don't think deleting this section from the bill deletes anything from statute.

60bur: ?????

64PAUL VOGEL, PORT OF COOS BAY: Giving us the authority to do this likely will give way to requiring us to do this, and it raises "serious liability questions".

78bur: ?????

82vog: ?????

88nor: Have you explored the ramifications of this to inland ports like Morro and Umatilla?

96????: ?????

100 nor: "Facilities" means ??? The size of a single storage tank at an inland facility doesn't seem to have any relavance the way this is

written.

106 ????: ????

109 par: Would the Port of Morro be responsible for developing a response plan if it had an 11,000 gallon petroleum storage tank?

111 tay: ??? There are two ways plans can be developed. ????

134 JOHN MOHR, GENERAL MANAGER, PORT OF NEWPORT: ????? (EXHIBIT L)

158 par: Do you support the hand-engrossed version of this bill, incorporating the dash 8, 9, 10, 11, 12, 13 and 15 amendments?

160 vog: yes.

????

184 tay: Disagrees with proposed new Section 9 in hand engrossed (EXHIBIT J) The department willing to assist with clean ups, but can't guarantee will locate fnding. Concerned that if funds can't be secured for this, it won't get done.

236 whi: Suspect ports concerned that they will be mandated to provide additional services without funding.

245 van: How does this tie into the hazardous materials spill fine in SB 184 ?

249 tay: ????

253 van: ????

263 tay: Not aware of a specific deadline when clean up parties would have to have equipment on hand.

269 bur: SB 184 intended to address intentional damage or gross negligence, so those parties that have contingency plans could hardly be subject to penalties under SB 184.

289 tay: ???

291 bur: What do you have in mind here where you say ????

????

312 bur: This doesn't seem to be like to much to ask of the agency, but not clear ?????

???

345 bur: ????

350 vog: From an administrative side, the Prts Division probably wuld help with this, but from a technical side, it probably wouldn't help.

367 bur: ?????

378 ????: This section of the bill covers DEQ's responsibilities.

???

394 par: ?????

405 tay: Ag. and Natural Resources was very supportive of giving ports the authority they need to protect against spills.

TAPE 197, SIDE A

07nor: ????

12????: This is to get them to understand what is possible on the Columbia and what is possible on the coast.

16nor: Port of Umatilla has more than 12,000 gallons of petroleum products in storage, and wondering how this would affect that port.

26tay: ???

40par: Entertains suggestions on how to limit this to the Columbia and Willamette?

42tay: ????

44par: Where is "navigable" defined in this bill.

52sou: Not defined in the bill because already defined in statute.

54par: In the Willamette Valley, navigable includes every creek.

59par: ????

60tay: Suggests alternative language to navigable.

75par: Recesses at 3:40. Reconvenes at 3:52.

78DEBBIE BOOM, LA REP. WHITTY: Presents the dash 14 amendments.

99van: Does the bill refer to all vessels, or just oil tankers?

102 sou: All vessels over 300 gross tons.

104 nai: Why would commercial fishing vessels be covered in an oil response plan?

106 sou: Not intended to be covered in the first place.

112 par: ????

????

120 nai: Do fishing boats carry a lot of oil?

122 sou: This amendment is OK. Fishing boats not intended to be covered in the first place.

127 par: ????

130 sou: Most cargo vessels carry 100,000 to 300,000 tons of fuel.

145 par: ????

165 rob: Presents conceptual amendments to SB 242 (EXHIBIT N)

188 nor: Aren't we really just focusing on facilities that handle petroleum products?

192 rob: yes.

194 van: ????

202 rob: No. Those are barges that are not self propelled.

208 van: But what about the ????

214 par: What are 300-gross-ton, non-fishing ships covered under this bill?

222 rob: Not aware of any tug boats in Oregon that are bigger than 300 gross tons.

227 par: Wondering if this would effect ???

233 ??? Intent of this to cover commercial cargo vessels. The 300 gross ton standard came from federal statute.

245 rob: ????

259 par: And the department supports these amendments?

261 tay: Yes.

262 par: Don't appear to be opposition to any of these amendments.

268 ?????, ARCO: ????? Compromise to have oil facilities and oil tank vessels pay \$25 and \$28 per trip fee, with a cap. (292) ??? We've agreed to put a ????

316 par: Entertains motion to adopt amendments.

321 whi: moves hand-engrossed dash 7 amendments.

328 bur: Did we get a definition of non-self-propelled vessels?

?????

337 bur: So this language covers barges and tankers?

338 rob: Yes.

339 nai: ????

345 vannatta: The dash 7 and the concept amendment (ex N) both amendment section 17, so there could be conflicts.

360 nai: Offers freindly amendmet.

364 whi: Accepts friendly amendmetn.

370 vannatta: Restates new motion.

378 par: Hearing no objection, CHAIR PARKINSON so orders.

386 vannatta: Believe that would create a conflict because the dash 11 and 13 both amend section 17 of the bill.

396 whi: Amends to move 8, 9, 12 and 15.

409 vannatta: That doesn't create any problems, as far as I can tell.

TAPE 198, SIDE A

03TOM GALLAGHER, ARCO: ????

10vannatta: Restates motion.

12Hearing no objections, CHAIR PARKINSON so moves.

14REP. WHITTY moves to adopt the LC 675 (dash 14) amendments dated 6/3/91 to SB 242.

15Hearing no objections, CHAIR PARKINSON so moves.

20par: Entertains motion on concept amendments (ex N)

25vannatta: Recommends deleting references to specific lines in the bill.

40whi: Moves conceptual amendments ????

46bur: On page 10, subsection 3 ????

49whi: That's fine.

54par: After concept, and don't want to delete anything that changes concept. Leave up to LC to put into proper style and format, and to check conflicts.

56bur: ????

61rob: It is not an equal split, but it does cover all four sectors of the marine industry.

67nor: Would this apply to the Rose Festival fleet?

71tay: yes.

72whi: Don't think we can do that.

74par: Was this discussed on the Senate side?

76tay: No.

80par: Won't this be a blow to the Rose Festival?

82rob: ????

90Hearing no objection, CHAIR PARKINSON so moves.

93par: Directs vannatta to state conceptual amendment limiting navigable water to the Columbia and Willamette.

95vannatta: States conceptual amendment ???

112 gal: ????

124 whi: Moves conceptual amendment.

126 Hearing no objection, CHAIR PARKINSON so moves.

136 par: Appears won't get to HB 2575. Will reschedule on Wednesday with Speaker's permission.

144 whi: moves to reconsider motion by which dash 7 amendments adopted.

153 Hearing no objection, REP. WHITTY so moves.

155 vannatta: Language should have gone in Section 5 not Section 7.

?????

166 nai: Moves to adopt the dash 7 amendments with revisions ?????

172 Hearing no objections, REP. WHITTY so moves. Closes work session on SB 242 and adjourns at 4:30.