



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

2009 Annual Report to the Legislature: The readiness of state government to respond to discharges of oil or hazardous substances

In compliance with Minnesota Statutes, section 115E.08, subdivision 4

COMPILED BY:



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
HOMELAND SECURITY AND EMERGENCY MANAGEMENT

IN COOPERATION WITH:



MINNESOTA DEPARTMENT OF AGRICULTURE



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION



MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF FREIGHT AND COMMERCIAL VEHICLE OPERATIONS



MINNESOTA POLLUTION CONTROL AGENCY

Background

Minnesota Statutes, chapter 115E, establishes requirements for state agencies and responsible parties to prevent and respond to discharges of oil and hazardous materials. Section 115E.08, subdivision 1, directs the commissioner of the Department of Public Safety to "...coordinate state agency preparedness for response to discharges of oil or hazardous substances." This task has been delegated to the Homeland Security and Emergency Management Division. Subdivision 4 of section 115E.08 requires the commissioner to annually report to the appropriate committees of the Legislature on the readiness of state government to respond appropriately to such incidents.

The following agencies have been assigned primary responsibility to carry out the specified duties and authorities of chapter 115E:

- Department of Agriculture – agricultural chemicals;
- Department of Natural Resources – assessment and rehabilitation of water resources;
- Department of Public Safety – public safety and protection of property;
- Department of Transportation – transportation regulations; and
- Minnesota Pollution Control Agency – all other matters relating to chapter 115E.

National Incident Management System

The National Incident Management System, as mandated by the federal government, is utilized by all state agencies and local jurisdictions when responding to a variety of incidents, large or small. NIMS was adopted in Minnesota by *Governor's Executive Order 05-02*; all city and county governments in the state adopted it as well. NIMS includes the incident command system; which is used to coordinate the response to an incident. The incident command system promotes teamwork and allows various levels of government to work together without disrupting the local response structure.

There continues to be high demand from a variety of response agencies and personnel for the NIMS courses sponsored by the Homeland Security and Emergency Management Division. In a time of elevated terror alerts and budget cuts, state agencies and local jurisdictions having responsibilities during hazardous materials events recognize the need to share resources and standardize training. Partnerships with the Association of Minnesota Emergency Managers and others continue to improve delivery of services to meet this demand.

Minnesota Department of Public Safety Homeland Security and Emergency Management Division (HSEM)

The mission of HSEM is to help Minnesota prevent, prepare for, respond to and recover from natural and human caused disaster. HSEM ensures that state and local governments have the capability to protect the public in the event of an incident involving hazardous materials (chemical, biological, radiological, nuclear, and explosive devices) by providing information, guidance, and training to responders. HSEM also ensures compliance with Minnesota Statutes, chapter 115E, as designated by the commissioner of public safety.

Minnesota Duty Officer

The Minnesota Duty Officer program is maintained by the Bureau of Criminal Apprehension, a division of the Minnesota Department of Public Safety. The MDO has proven to be a critical statewide link in notifying state agencies of hazardous materials spills and releases. The MDO is the hub within the emergency management cycle of mitigation, preparedness, response, and recovery.

Incoming requests for assistance cover a broad range of topics, which include environmental concerns, natural disasters, and threats or suspected acts of terrorism. All of these requests are coordinated through the MDO, which assists local and tribal governments, and professional response agencies, 24 hours a day, 7 days a week.

During the 2009 calendar year, the MDO processed approximately 9,022 calls (see Figures 1 and 3), compared to 8,035 in 2008. Of these calls, 823 were related to discharges of oil or hazardous substances. The initiating calls resulted in 38,355 notifications to our end users (see Figures 2 and 3), compared to 22,270 in 2008. Of these notifications, 3,430 were related to discharges of oil or hazardous materials. The balance of the calls received included weather related incidents, methamphetamine labs, disaster operations, and requests for the National Guard and/or Civil Air Patrol.

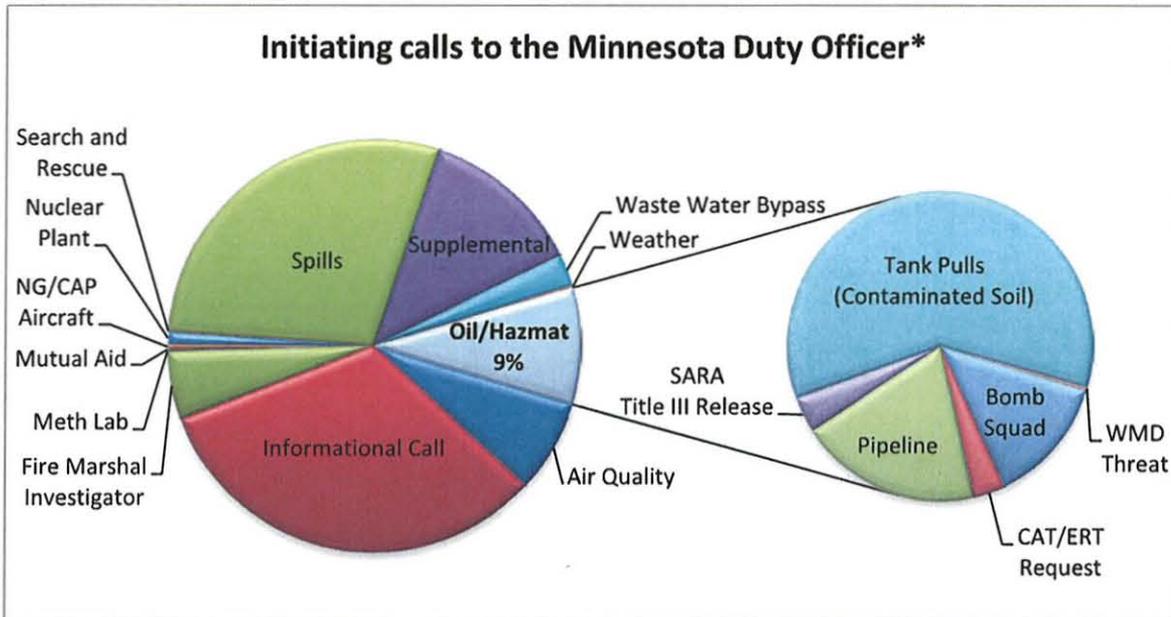


Figure 1

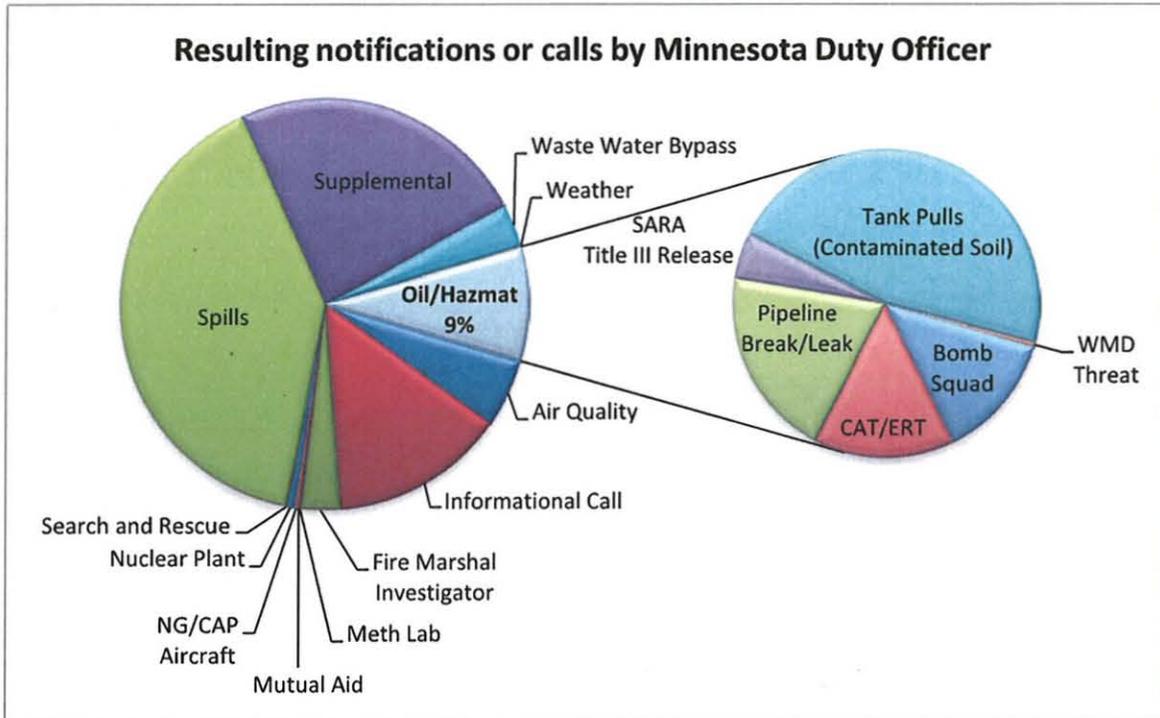


Figure 2

Initiating call category	Initiating calls to MDO*	Resulting notifications/calls
Air Quality	651	2075
Bomb Squad	111	453
CAT/ERT Request	28	509
Fire Marshal Investigator	481	1202
Informational Call	2927	5325
Meth Lab	13	42
Mutual Aid	3	12
National Guard/CAP/Aircraft	34	130
Nuclear Plant	89	210
Pipeline Break/Leak	159	690
SARA Title III Release	31	166
Search and Rescue	4	28
Spills	2612	15424
Supplemental	1141	9168
Tank Pulls (Contaminated Soil)	492	1599
Waste Water Bypass	233	1281
Weather Incident	11	28
WMD Threat	2	13
Totals	9022	38,355

Figure 3

**If an initiating call belongs to more than one category, it will appear under all categories to which it is tied. For example, if the MDO received a spill call that required a CAT/ERT response, the call and any subsequent notifications would be listed under both "Spills" and "CAT/ERT Request." These numbers reflect only calls that resulted in a report being filed with the MDO.*

HSEM State Emergency Response Teams Coordinator

HSEM maintains an administrator principal position that is the coordinator for all state contract emergency response teams. This coordinator administers the highly visible state emergency response teams, response asset programs, and statutory requirements and policies to ensure the state of Minnesota and local governments have the capability to respond and protect the public in the event of an accidental or intentional incident that may involve hazardous materials, explosive devices, or structural collapse. The coordinator is a subject matter expert with both a deep technical knowledge on hazardous substances and explosives and the broad administrative knowledge necessary to manage these specialized programs.

Specifically the coordinator manages the operations of the statewide system of regional response teams: hazardous material teams, chemical assessment teams (as defined under the Minnesota Hazardous Materials Incident Response Act), bomb disposal squads, and structural collapse teams. This includes providing information and guidance to local and state responders so they can plan, train, and prepare for all-hazards, including terrorist threats.

Hazardous Materials Regional Response Team

The Homeland Security and Emergency Management Division maintains the Hazardous Materials Regional Response Team program. This program assists local authorities by providing technical guidance to incident commanders, and recommending mitigation measures necessary to protect life, property, and the environment. In addition to the Emergency Response Team and Chemical Assessment Teams outlined below, two HSEM on-call staff members are trained in hazardous materials to comply with Occupational Safety and Health Standards 29 CFR 1910.120(q)(6) and National Fire Protection Association (NFPA) 472, chapter 7. Both the teams and the on-call staff are available 24 hours a day, 7 days a week to assist local authorities. Their services can be accessed via the Minnesota Duty Officer. HSEM also contracts with four local government law enforcement agencies to provide statewide response for explosive devices. The Hazardous Materials Response Team program continues to be an effective and efficient way to supplement local response capabilities

Chemical Assessment Teams

Minnesota has 11 Chemical Assessment Teams (CATs, see attached map), which are composed of a minimum of nine trained personnel. One hazardous materials specialist and two technicians must be available to respond at all times. In addition to numerous requests for assistance within their own jurisdictions throughout the year, CATs were asked to respond to 14 incidents that occurred outside of their respective jurisdictions, which is a slight increase from the total of 13 such responses that occurred in 2008.

CATs provide local incident commanders with technical support and monitoring; professional responders trained to exceed OSHA and NFPA competencies; specialized equipment and reference materials; and additional support and/or follow-up by other state agencies as needed. The primary responsibilities of a CAT at an incident scene are hazard assessment, technical assistance, simple mitigation, and basic decontamination.

CATs are capable of sampling for unknown identification of substances/materials, air monitoring, plume projection, evacuation/sheltering recommendations, over pack/containment of a container, and sample collection (not evidence). CATs are not allowed to assume overall command of a local incident, they cannot cleanup or transport hazardous materials, mitigate explosive devices or clandestine drug labs, or respond to waste abandonment/abandoned barrel calls.

Feedback from local jurisdictions concerning the Chemical Assessment Teams continues to be positive; especially as local fire department budgets continue to shrink. Because many municipal fire departments no longer maintain local hazardous materials teams, they depend on the CATs to provide both technical information and simple mitigation guidance when they respond to hazardous materials incidents. Most of the costs that are incurred when CATs respond to incidents are recovered from the responsible party.

Emergency Response Team (ERT)

The ERT is located within the city of Saint Paul, and serves as a Chemical Assessment Team when needed. While composed of a minimum of thirty trained personnel, with four specialists, four technicians, and one medical support officer on duty at all times, when operating as a CAT the ERT responds with up to four team members and adheres to CAT response protocols.

The ERT may take action necessary to protect life, property, and the environment from the effects of a release of a hazardous material. Their actions include, but are not limited to preventing a hazardous release, mitigating the effects of the release, and stabilizing the emergency situation. The ERT was not called upon to respond to any calls outside of St. Paul in 2009.

Bomb Disposal Units

There are four contracted bomb disposal units in the state teams program (see attached map). These bomb squads are universally trained and equipped licensed Minnesota peace officers who are certified hazardous devices technicians and are hazardous materials technicians or specialists. The squads perform post blast investigations, evidence handling and packaging, reconstruction of detonated devices, clandestine lab operations, and site safety. Each team is equipped with hazardous device disposal robots, portable digital X-ray machines, single vent (open) trailers, and total containment vessels (for chemical/biological devices). Bomb squads are not allowed to respond to reports of abandoned barrels. These teams responded to 346 incidents throughout the state with 111 of them being dispatched through the Minnesota Duty Officer. This represents a 9 percent decrease for 2009.

Preparedness and Response Committees

Minnesota Emergency Preparedness and Response Committee

The Minnesota Emergency Preparedness and Response Committee is chaired by the Homeland Security and Emergency Management Division. The committee meets quarterly or as needed to share information and discuss topics of common interest as they pertain to homeland security and emergency preparedness. The EPRC consists of one member from each state agency identified in *Governor's Executive Order 07-14: Assigning Emergency Responsibilities to State Agencies*. The EPRC is an important resource to supply state agencies with the guidance they need to provide support and resources to local jurisdictions during an emergency or disaster. The EPRC also facilitates updates to the *Minnesota Emergency Operations Plan*.

State Agency Responders Committee

The State Agency Responders Committee is coordinated by the Homeland Security and Emergency Management Division and comprised of the initial on-call field responders from all state agencies that have responsibilities in hazardous materials incident management. This group meets quarterly and reviews previous responses for opportunities to improve the state's effectiveness. The committee also actively seeks input from local jurisdictions on how the state can assist their response to hazardous

materials events. This committee brings a wide variety of expertise to the table with contributions from the State Patrol; Minnesota Pollution Control Agency; departments of Health, Natural Resources, Public Safety, and Transportation; National Guard 55th Civil Support Team, and OSHA.

Minnesota Department of Agriculture

The Minnesota Department of Agriculture is the state agency accountable for responding to agricultural chemical incidents. The agricultural chemical emergency response program consists of a Saint Paul based four-person team. This team rotates on-call and is on hand to respond immediately to agricultural chemical incidents any time of the day or night. Of these four MDA employees, only one is dedicated to work fulltime on agricultural chemical emergency response. The other three are lead workers in other MDA programs.

The MDA on-call staff constantly debriefs all major agricultural chemical spills that occur. Debriefing ensures our response improves, thus providing high quality service to the people of Minnesota. MDA on-call staff also has the authority to access emergency funds from the state “Superfund” when the responsible party is unknown or refuses to clean up the release.

Nine regional MDA Agricultural Chemical Investigation staff in outstate Minnesota provide additional emergency response support. They are dispatched by the on-call team to provide emergency response guidance and oversight to local law enforcement and fire departments. They also provide guidance to responsible parties.

The MDA continues to prepare for and to coordinate emergency preparedness and response readiness across all divisions. The MDA is training staff in advanced Incident Command System to better coordinate all MDA responses. In partnership with the Minnesota Board of Animal Health and USDA-APHIS-VS, the MDA continues to build the Minnesota Agriculture All-Hazards Incident Management Team (IMT). Comprised of the eight command and general staff positions of ICS, the Minnesota Agriculture IMT will be a resource available to assist state, county, and local units of government in agricultural emergencies.

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency Emergency Response Team consists of approximately 12.5 FTE of highly trained and experienced staff. They are stationed in Saint Paul and in five regional offices around the state. One emergency responder is on-call during all evening and weekend hours, and is available through the Minnesota Duty Officer.

Minnesota Statutes, section 115.061, requires that spills be reported to MPCA. Notification takes place via the MDO. Most MPCA permits also require notification of any petroleum tank leaks or breakdowns or bypasses of pollution control equipment. During calendar year 2009, the MDO relayed more than 4044 spill, emergency, leak, or pollution incidents to the MPCA.

MPCA ERT works collectively and cooperatively with other emergency responders from federal, state, county, and local units of government. MPCA’s most usual role is oversight and directing cleanups done by the companies responsible for the spills and other emergencies. This may be as simple as a telephone call confirming that an adequate cleanup is underway. MPCA oversight for a major spill, such as a train wreck or a petroleum pipeline break, may include MPCA staff being onsite for extended periods, coordinating response and cleanup work of the company and local public safety responders. In cases where the responsible party is unknown or unable or unwilling to conduct cleanup, MPCA dispatches

state contractors under Minn. Stat., chapters 115B or 115C authorities, and later usually conducts cost recovery and enforcement actions against the spiller. During floods and storms, MPCA deploys staff to the area to assist and support the cities, counties, companies, and residents. Assistance includes help with organizing, sorting, collecting, and disposing or recycling debris; stabilizing and restarting wastewater treatment plants; and cleaning up spilled oil and recovering scattered or floating tanks. MPCA can assist and advise local public safety officials during incidents involving oil and hazardous materials; however MPCA does not take over command of such an incident from the local officials.

Spill prevention and spill response preparedness is part of the MPCA ERT's mission. Minn. Stat., chapter 115E requires companies that operate storage tanks, pipelines, railroads, or cargo trailers, or that otherwise handle oil or hazardous substances to have response plans and to prevent and prepare for spills and other releases. MPCA is the lead agency for many, but not all, of the provisions of Chapter 115E.

MPCA's authorities and responsibilities under Chapter 115E are for pollution and environmental protection from releases of oil or chemicals. For example, MPCA reviews and regulates facilities' preparedness to contain and recover oil spills, to protect water resources from pollution, and to recover spills from land to protect groundwater. However, MPCA does not review or regulate prevention or preparedness for fires, explosions, or releases of acutely toxic gases that threaten the public's safety. Those threats are the responsibility of public safety officials. Chapter 115E assigns the Department of Agriculture the responsibility of working with facilities on preparedness for releases of agricultural chemicals, including pesticides, anhydrous ammonia, and chlorine. MPCA reviews and enforces petroleum pipeline company preparedness for spills from pipelines, but the Department of Public Safety Office of Pipeline Safety enforces the pipeline spill and leak prevention and operation requirements.

MPCA's "Boom Schools" have provided spill response equipment and training to fire departments throughout the state. This training has benefited the environment and Minnesota's businesses by helping fire departments contain businesses' spills and minimize cleanup costs.

MPCA's responders have been strong players in several of the public/private sector groups that have formed across Minnesota to facilitate partnership between facilities and all levels of government. The Wakota Community Awareness and Emergency Response (CAER) group in Washington and Dakota Counties and the Duluth Port Area Committee have been particularly effective and active. Caches of shared oil spill response equipment have been placed along the Mississippi, St. Croix, and Minnesota Rivers by Wakota CAER. Fewer spills and better response preparedness result from CAER group activities.

Minnesota Department of Transportation Office of Freight and Commercial Vehicle Operations

The Office of Freight and Commercial Vehicle Operations has four hazardous materials transportation specialists who respond to hazmat incidents, commercial vehicle crashes, homeland security-related incidents, and abandonments of hazardous materials on public and private property. These on-scene response personnel are a critical element of the state agency response teams. OFCVO has a broad knowledge of hazardous materials transportation issues, and extensive training in emergency response techniques, the design and construction of hazardous materials cargo tanks and other packages, chemical and radiological hazards, and experience dealing with abandonment and illegal dumping of hazmat. OFCVO hazmat specialists responded to 218 incidents in 2009.

OFCVO hazmat specialists investigate causes of transportation-related incidents, and refer responsible parties for regulatory review when merited. Transportation-related incidents are tracked internally, and OFCVO staff also use the USDOT incident reporting system to help identify hazardous materials shippers and carriers involved in multiple incidents. Post incident follow-up investigations include examining shipper and carrier procedures and records to determine if hazmat tankers and other equipment was properly inspected and maintained, and if all hazmat employees, including truck drivers, are properly trained, tested, and certified.

There were three fatal hazardous material incidents in Minnesota in 2009. In June, a hazmat employee was killed when the cylinder he was filling with propane exploded. OFCVO hazmat specialists assisted the State Fire Marshal's office in this investigation. In November, two truck drivers were killed when attempting to load anhydrous ammonia into a cargo tank vehicle.

Other significant incidents included a gasoline transport rollover in Lac Qui Parle County, a propane transport rollover in Mille Lacs County, and the rollover of a gasoline transport on I-94 in Wright County. The I-94 rollover caused massive backups on that highway, and the detouring of many motorists. The rollover was caused by a motorist making an illegal U-turn through the freeway median in front of the gas transport. The rollover resulted in the leak of gasoline from the tanker, which necessitated closing the highway. This incident led to the creation of the *Metro Area Freeway Major Incident Guideline* plan by Mn/DOT and the Minnesota State Patrol.

Abandonment of packages of unknown materials and illegal dumping continues to be a problem. The most significant illegal dumping of an unknown material occurred in June near Lake Lillian in Kandiyohi County. A 1,000 foot long spill was discovered on the shoulder of the highway, and tracks indicated the vehicle driver stopped and released the rest of the cargo into the ditch. The responsible party was not identified.

OFCVO hazmat specialists continue to offer Hazmat Incident Response First Responder training to police, fire department, and highway maintenance workers. These classes are designed to assist local agencies in identifying the hazards that may be present at a highway hazmat incident.

Conclusion

Minnesota has an effective response system in place with a centralized notification point – the Minnesota Duty Officer – and an ongoing coordination and communication system between the agencies that are primarily responsible for oil or hazardous substance discharge incidents. The state emergency response teams and agencies meet regularly to maintain interagency cooperation, coordinate resources, share training, and improve and maintain response levels in order to provide the best services possible within the state. Minnesotans can be assured that highly trained specialists are on hand whenever an incident involving oil or hazardous substances occurs.