

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
EMERGENCY RESPONSE COMMISSION

In the matter of the proposed rules
of the Department of Public Safety
governing the Hazardous Substance
Notification Form.

STATEMENT OF NEED
AND REASONABLENESS

GENERAL STATEMENT

Minnesota Statutes section 299F.094, Subd. 2 requires the commissioner of public safety to develop a hazardous substance notification report form. This rule consists of the form and instructions on its use.

STATUTORY AUTHORITY

Explicit authority for this rule is contained in Minnesota Statutes, section 299F.094, Subd. 2. Authority is also contained in Minnesota Statutes, section 299A.01, Subd. 6 which authorizes to commissioner to promulgate rules to fulfill the duties set by legislation like section 299F.094, Subd. 2. Finally this procedure directly affects the rights of and procedures available to the public, therefore, the commissioner is authorized to promulgate this rule by Minnesota Statutes, section 14.06.

EFFECT OF THE RULES

These rules will have a direct effect on all employers required by Minnesota Statutes, section 299F.094 to submit a hazardous substance notification report form.

SMALL BUSINESS CONSIDERATIONS

Some of the parties required by statute to submit a hazardous substance notification report form may be small businesses. Section 312 of Title III of the Superfund Amendments and Reauthorization of 1986 requires many of these same parties to submit a "Tier One Emergency and Hazardous Chemical Inventory" form. The form required by federal statute provides all the information required by Minnesota Statutes, section 299F.094 so, in this rule, the commissioner specifies that the federal form will fulfill the requirements of the Minnesota statute. Using the federal form to fulfill the requirements of the Minnesota statute avoids duplication of effort and reduces the impact of this rule on small businesses as well as other parties required to submit the federal form and a hazardous substance notification report form.

This rule contains no compliance requirements. The stringency of the reporting requirements of Minnesota Statutes, section 299F.094 has been reduced by these rules, to the greatest extent possible, consistent with the statute and with federal requirements. The rule imposes no schedules on small businesses. The rule imposes no compliance requirement on small businesses. Reporting requirements have been consolidated with federal reporting requirements. The rule imposes no design or operational standards on small businesses. The hazardous materials stored at small businesses can present as much a threat to the public as hazardous materials stored at other businesses. To exempt small businesses from the coverage of this rule would present a threat to the public that substantially outweighs any possible benefit to small businesses. In any event the exemption of small businesses from the coverage of this rule would be inconsistent with Minnesota Statutes, section 299F.044, Subd. 2.

FEES IMPOSED BY THE RULES

The rules do not fix any fees nor does the statute authorizing promulgation of the rules require that any fees be fixed. Therefore, no approval from the commissioner of finance is required.

FISCAL IMPACT

Adoption of these rules will not require the expenditure of public money by local public bodies.

ENVIRONMENTAL EFFECTS

Adoption of these rules will not affect the quality of air or water in the state nor will the rules affect the quality and amount of agricultural land.

DETAILED ANALYSIS

.0100 Form Minnesota Statutes, section 299F.094, requires some employers to submit a hazardous substance notification report form at the request of the local fire department. The purpose of this statute is to provide local fire departments with the information needed to respond in the safest and most effective manner possible to an emergency at one of the regulated facilities. The statute specifies that the report must contain the following information: "(1) the range of maximum combined quantities of all hazardous substances contained in each designated hazard category that may reasonably be expected to be present in the work place during normal operations; (2) the street address and any other special identifier of the work place; and (3) the employer's name and street address with the telephone numbers of responsible persons in charge of the work place who can be reached at all times."

Many of the employers affected by the Minnesota statute are also required, by section 312 of Title III of the Superfund Amendments and Reauthorization Act, to complete a "Tier One Emergency and Hazardous Chemical Inventory" form for hazardous chemicals in excess of thresholds established through federal regulations. The "Tier One" form contains all the information required by Minnesota Statutes, section 299F.094. This rule specifies that the "Tier One" form is also the form required by the Minnesota statute. This provision is a reasonable solution to the requirement of the Minnesota Statute because it avoids duplication of effort and minimizes the impact of these rules on the affected parties while accomplishing the policy of the Minnesota statute.

.0200 Example: Hazardous Substance Notification Report Form. Some parties affected by this rule may not be familiar with the required form. To eliminate confusion and help affected parties comply with this rule and state statutes it is reasonable to reprint the form in the rules.

CONCLUSION

Minnesota Statutes, section 299F.094 creates a requirement for some employers. This rule establishes a procedure whereby those employers can comply without duplication of effort or unnecessary regulatory burden.