

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

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Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

Governor Tim Pawlenty
State of Minnesota

The Honorable Linda Higgins, Chair
The Honorable Thomas Neuville
Senate Public Safety Budget Division

The Honorable Michael Paymar, Chair
The Honorable Steve Smith
House Public Safety Finance Committee

The Honorable Joe Mullery, Chair
The Honorable Paul Kohls
Public Safety and Civil Justice Committee

Dear Colleagues:

Pursuant to Minnesota Statute 115 E.08, Subd. 4, the Department of Public Safety shall report to the legislature on the status of the readiness of the state to respond to discharges of oil or hazardous substances.

Enclosed, please find the 2006 report developed by the Division of Homeland Security and Emergency Management. The Department views this correspondence as satisfying the reporting requirements as provided in M.S. 115 E.08, Subd. 4.

If you need further information, please do not hesitate to contact me or Kris Eide, Director of Homeland Security and Emergency Management at 651 201-7404.

Sincerely,

Michael Campion
Commissioner

cc: Legislative Reference Library



**Minnesota Department of Public Safety
Division of Homeland Security and Emergency Management**

**2006 Annual Report to the Legislature
M.S. 115 E.08, Subd.4
January 8, 2007**

*The readiness of state government to
respond to discharges of oil or hazardous substances*



Background

The Commissioner of the Department of Public Safety is charged with the coordination of the hazardous materials state agency response in Minnesota by authority of M.S., Section 115 E.01 through 115.E.09. This statute also requires an annual report to the appropriate committees of the Legislature about the readiness of state government to properly respond to discharges of oil or hazardous substances.

Introduction

The Department of Public Safety Homeland Security and Emergency Management (HSEM) division coordinates the emergency preparedness of state agencies to respond to discharges of oil and hazardous substances. The division continues its on-call staffing ability and maintains the hazardous materials response teams. The Hazardous Materials Response Team Program is designed to assist local authorities by providing technical guidance to incident commanders, and recommending mitigation measures necessary to protect life, property and the environment commensurate with locally available levels of hazardous materials training and response capability. The hazardous materials response teams and the on-call staff are available 24-hours-a-day, 7-days-a-week through the Minnesota Duty Officer. The department also contracts with four law enforcement agencies to provide statewide response for explosive devices.

Program Outlines

Homeland Security and Emergency Management

- A. **HSEM Hazardous Materials Staff** are on-call 24-hours-a-day, 7-days-a-week to assist local authorities. The staff is trained to the Specialist level in hazardous materials response capability. The on-call staff provides technical guidance and expertise to local officials during emergencies and assists them with determining what resources and services may be needed to manage the incident.

The Chemical Assessment Teams (CAT) are currently composed of a minimum of nine trained personnel; one specialist and two technicians must be available for a response at all times. The teams responded to 675 requests for service within their jurisdictions during calendar year 2006, a 263 percent increase from the previous year. CAT Teams responded to 28 state responses outside their respective jurisdictions. The 28 state responses was a significant increase from the previous year of seven in 2006.

During state fiscal year 2006 the state was unable to supply additional equipment through grant funding, due to a significant reduction in Homeland Security Grant Program (HSGP) grant dollars allocated to the state. However the state hopes to provide additional funding during FY07 through additional HSGP grants for the purpose of training and sustainment of previously purchased equipment. Lastly, fiscal year 2007 marks the end of the current contracts in place for the teams; the state will issue a new Request for Proposal (RFP) for the teams in late February.

The feedback from local jurisdictions concerning the teams continues to be positive. The Hazardous Materials Response Team program is still the most cost effective and efficient way to supplement local response capabilities and recover much of the response costs from the responsible parties involved in these incidents.

- B. **Emergency Response Team (ERT)** The Emergency Response Team is composed of a minimum of thirty trained personnel; four specialists, four technicians, and one medical support officer must be available for a response at all times. ERT's can also serve as Chemical Assessment Teams (CATs). When operating as a CAT, the ERT will respond with up to four personnel and adhere to CAT response protocols. There is one ERT for statewide response.
- C. **The Minnesota Emergency Preparedness and Response Committee** is facilitated by the Division of Homeland Security and Emergency Management. The Committee meets on a quarterly-basis (or as needed) to share information and discuss topics of common interest as they pertain to homeland security and emergency management preparedness. The Committee consists of one member from each of the state agencies and divisions identified in *Governor's Executive Order 04-04: Assigning Emergency Responsibilities to State Agencies*. The Committee serves HSEM as an important conduit to provide state agencies and divisions the guidance needed to enhance their (state government's) ability to provide support and resources to local jurisdictions during an emergency or disaster. Amongst the many homeland security and emergency management initiatives state agencies and divisions are engaged in, the Committee also coordinates updates to the *Minnesota Emergency Operations Plan*.
- D. **The Minnesota Duty Officer (MDO)** program has proven to be a critical link in notifying state agencies of spills. The MDO is the 'hub' within the emergency management cycle of mitigation, preparedness, response, and recovery. Incoming requests for assistance-ranging from air quality complaints to natural disasters to threats or acts of terrorism are all coordinated through the Duty Officers; who assist the public and professional response agencies 24-hours-a-day, 7-days-a-week. During the 2006 calendar year, the Duty Officers processed approximately **7,236** incoming report calls; this number is down from previous years because we no longer enter informational calls. Of these calls, **2,611** were spill related, and **400** involved air quality issues. Significantly, **18,475** outgoing notifications resulted from the incoming calls. These numbers only reflect activity associated with a report being filed with the Duty Officer. The balance of the incoming calls consisted of weather related incidents, SARA Title III releases, pipeline incidents, Meth Labs, Bomb Squad or CAT/ERT team requests or activations, and requests for the National Guard and/or Civil Air Patrol.
- E. **The State Agency Responders Committee** is coordinated by HSEM and comprised of the initial on-call field responders from all state agencies that have responsibilities regarding hazardous materials incident management. This team meets quarterly and reviews previous responses for opportunities to improve our effectiveness. This committee also actively seeks input from local jurisdictions about how the state can assist their responses to hazardous materials events. This committee brings a wide variety of

state and federal level expertise to the table, with contributions from Public Information Officers (PIOs), the National Guard's 55th Civil Support Team, and the Minnesota Department of Health.

F. **Statewide Bomb Squad Response** capability is accomplished via contractual agreements with four law enforcement agencies. These teams have responded to 356 incidents throughout the state, with 143 of them being state-dispatched. This is an increase of 28% over 2005, holding true to the trend of increased responses for these teams. Federal homeland security funding has been used to enhance the response capability of these teams. Some of the improvements made in 2006 include two x-ray machines to identify possible Improvised Explosive Device's (IEDs), and a storage facility for securing materials needed to dispose of IED.

G. **The Minnesota Incident Management System (MIMS)**

The National Incident Management System (NIMS), as mandated by the federal government, is utilized by all state agencies and local jurisdictions when responding to any size or variety of incident. This management system was adopted by Executive Order in 2005 and throughout the year all county governments have done the same. Minnesota has adapted NIMS into what is now called MnIMS. This renaming is a result of the national curriculum on NIMS not currently being fielded by the Department of Homeland Security in the level indicated, therefore the need to adapt NIMS to MnIMS. MnIMS is a management tool, which uses a unified command structure to coordinate the many aspects of a response. Agencies trained in MnIMS promote teamwork and allow 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 MnIMS courses sponsored by HSEM. In a time of elevated and high terror alerts and universal 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 (AMEM) and others will continue to improve delivery of services to meet this demand.

H. **Minnesota Pollution Control Agency**

MPCA's Emergency Response Team consists of approximately 11.5 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. MN Statutes, Section 115.061 requires that spills be reported to MPCA via the Duty Officer. During calendar year 2006, the Duty Officer reported more than 2,500 spill and emergency incidents to the MPCA.

During the past year the MPCA has worked closely with emergency managers and public works officials from the state's largest jurisdictions to help them prepare to properly

manage the debris that results from natural disasters and potential terror-related incidents in their areas. This training also included information regarding contaminants from potential terror scenario incidents, and field assessments of potential debris handling locations in each community. MPCA has prepared for supporting terrorism response via a variety of logistical, preventative, preparedness, informational and support roles. In a similar fashion, MPCA has provided extensive planning and leadership for animal disease epidemic preparedness, particularly in the areas of carcass disposal following outbreaks of Foot and Mouth Disease, and Chronic Wasting disease cases.

MPCA's Emergency Response Team has embraced spill prevention and spill response preparedness as part of its mission. Companies that operate storage tanks, pipelines, railroads, cargo trailers, or that otherwise handle oil or hazardous substances are required to take steps to prevent and prepare for spills under Chapter 115E. MPCA's responders have reviewed many facility response plans, participated in, or conducted many spill drills with facilities and local governments, and presented dozens of spill response-training classes. In particular the "Boom Schools", which provide spill response equipment and training to fire departments throughout the state, have served the environment and Minnesota's businesses by helping fire departments contain businesses' spills and minimize cleanup costs. Caches of shared oil spill response equipment have been stored along the Mississippi, St. Croix, and Minnesota Rivers in a private/public partnership project. Mapping and preparing for protection of sensitive natural resources from spills has been accomplished for most of Minnesota. Most of the MPCA's spill prevention and preparedness work is done in partnership with facility operators, but some is done in a regulatory or enforcement mode when needless spills and poor responses have created pollution problems.

MPCA's responders have been the backbone and the instigators of several of the Community Awareness Emergency Response (CAER) groups that have formed across Minnesota to facilitate a partnership between facilities and all levels of government. Fewer spills and better response preparedness result from these CAER activities. MPCA's responders also have been instrumental in the various inter-agency work groups to coordinate state hazardous materials activities.

MPCA's emergency responders are fully authorized by the MPCA Contingency Plan to carry out emergency actions around the clock. Included is access to emergency funds that can be made available by drawing on the state "Superfund" and "Petro Fund" to engage contractors when necessary. The recovery of costs from responsible parties is sought whenever those public funds are used.

I. **Minnesota Department of Transportation-Office of Freight and Commercial Vehicle Operations**

The Office of Freight and Commercial Vehicle Operations (OFCVO), formerly Motor Carrier Services, has four hazardous materials transportation specialists who respond to hazardous materials transportation incidents, commercial vehicle accidents, homeland security related incidents, and abandonment of hazardous materials on public and private property. These on-scene response personnel are a critical element of the state response

infrastructure due to their broad knowledge of hazardous materials transportation issues, including emergency response techniques, transportation security, and experience in dealing with illegal spills and abandonment. OFCVO responded to over 150 incidents in 2006.

Mn/DOT hazardous materials specialists continue to investigate the causes of hazardous materials transportation incidents. Incidents occurring in Minnesota are tracked internally, and OFCVO staff also use the USDOT incident management program as a tool to identify shippers and carriers involved in multiple incidents. Post-incident follow-up investigations lead to regulatory enforcement actions when merited.

Hazmat staff serves on the Traffic Management Center Incident Management Coordination Team. This team coordinates the efforts of Mn/DOT the State Patrol, local police, fire and emergency medical service agencies, and the towing companies to ensure a rapid response to incidents on metro area highways.

The Mn/DOT Abandoned Container Program continues to investigate and remediate illegal dumping of hazardous materials containers on state highway right-of-ways, and to assist local governments in dealing with abandonment. Hazardous materials dumping near critical facilities is a security issue, and OFCVO staff provide training to state and local government personnel about the hazards presented by abandoned hazardous materials, security implications of dumping at some sites, and methods for dealing with the materials.

Two OFCVO hazardous materials specialists have completed the Nuclear, Biological, and Chemical (NBC) Domestic Preparedness Training Course offered by the FBI and Federal Emergency Management Agency (FEMA). OFCVO Hazardous Materials Specialists are certified to do Level 6 Radioactive Materials Transportation inspections. Level 6 pre-trip inspections are required on all vehicles transporting Highway Route Controlled Radioactive Materials by Federal regulations.

Hazardous materials specialists from OFCVO serve on Mn/DOT's Security and Emergency Response Team, and are providing hazmat transportation security training to the trucking and shipping industry and law enforcement agencies. Staff from OFCVO is active in enforcing the newly mandated federal hazmat transportation security regulations. In 2006, five companies in Minnesota were cited for transportation security plan violations.

Hazardous materials specialists of the OFCVO continue to perform hazmat cargo inspections under the Hazardous Materials Package Inspections Program. Hazmat packages are inspected at freight docks and carrier facilities to ensure compliance with existing regulations and to prevent incidents before they happen.

The OFCVO continues to work with the Transportation Security Administration and other federal agencies concerning US/Canadian border crossing issues. This includes both highway and railroad crossings, and counter-terrorism projects that are ongoing at

ports of entry in Roseau, Lancaster, Warroad, and International Falls. Mn/DOT hazmat specialists provided technical assistance to the US Customs and Border Patrol on a radioactive materials shipment entering Minnesota from Canada in May 2006.

OFCVO hazardous materials specialists continue to offer Hazmat Incident First Responder classes to police, sheriffs, and emergency medical personnel around the state. These classes are designed to assist local public safety agencies in identifying the hazards that may be present at a transportation incident. The First Responder class includes additional information about NBC terrorism, and tips for local law enforcement to evaluate hazmat shipper and transporter compliance with existing requirements.

J. Minnesota Department of Agriculture

The state response to agricultural chemical incidents is the responsibility of the Incident Response Unit of the Minnesota Department of Agriculture (MDA). The program consists of a metro-based, four-person, on-call team that is available to respond 24/7 to agricultural chemical incidents. The "response team" includes nine (9) regional Agricultural Chemical Investigation staff that can be dispatched to provide immediate emergency response guidance and oversight to local jurisdictions.

Because one-third of the reported spills involve the agricultural chemical, anhydrous ammonia, the MDA has constructed and is currently promoting a website for those that prepare for or who will respond to any anhydrous ammonia release. At www.ammoniapills.org, a first responder can find an answer to most any anhydrous ammonia question they may have.

The MDA continues to prepare for and to coordinate emergency preparedness and response readiness, capabilities, and efficiencies across all divisions and program areas. The MDA is training emergency responder staff in advanced Incident Command System to better coordinate all MDA responses.

Incident Response staff is authorized to access emergency funds in the state "Superfund" and have done so on several occasions. Responders often assist the responsible parties in accessing the Agricultural Chemical Response and Reimbursement Account (ACRRA) for costs associated with spill cleanups.

Other hazardous material related responsibilities of the MDA include:

- Finding solutions for producers of agricultural commodities that do not have adequate safeguards for their storage of bulk agricultural chemicals.
- Rapidly responding and investigating alleged agricultural chemical misuse.
- Levying fines on those that cause or threaten to cause environmental contamination/human exposure from their misuse or mishandling of agricultural chemicals.
- Sampling oversight of agriculture commodities and products in the event of radiological contamination.