

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 Bill Ingebrigtsen
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 2007 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,

A handwritten signature in cursive script that reads "Michael Campion".

Michael Campion, Commissioner

cc: Legislative Reference Library



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

**2007 Annual Report to the Legislature
M.S. 115 E.08, Subd.4
January 11, 2008**

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. 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, division of Homeland Security and Emergency Management (HSEM) 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. 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. The on-call staff provides technical guidance and expertise to local officials during emergencies and assists them in determining what resources and services may be needed to manage the incident.

- B. **The Chemical Assessment Teams (CAT)** are currently composed of a minimum of nine trained personnel; one specialist and two technicians which must be available to respond 24 hours a day 365 days a year. The teams responded to numerous requests for service within their own jurisdictions during calendar year 2007; limiting the need for state sponsored calls to 18 state responses outside their respective jurisdictions. The 18 state responses represented a 35 percent decrease from the previous year of 28 in 2006.

During state fiscal year 2007 the state was able to supply a limited amount of additional equipment through grant funding. However the state hopes to provide additional money during FY08, through Homeland Security grants for the purpose of training and sustainment on previously purchased equipment. Fiscal year 2007 marked the end of the 15th year this service has been provided to local units of government. During FY07 the state issued a new Request for Proposal (RFP) for all of the teams in late February and awarded the new contracts in late March.

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 cases.

- C. **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. The ERT currently is located within the City of Saint Paul and can also serve as a Chemical Assessment Team (CAT) when needed. 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 at this time.
- D. **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 07-14: Assigning Emergency Responsibilities to State Agencies*. The Committee serves HSEM as an important conduit toward providing 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. The Committee also coordinates updates to the *Minnesota Emergency Operations Plan*.
- E. **The Minnesota Duty Officer (MDO)** program located in the Bureau of Criminal Apprehension (BCA) Operation Center has proven to be a critical statewide 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, local jurisdictions, tribal governments and professional response agencies 24 hours a day, 7 days a week. During the 2007 calendar year, the Duty Officers processed approximately 7,065 (7,236 in 2006) incoming report calls, this number is down from previous years because we no longer enter informational calls. Of these calls 2,988 (2,611 in 2006) were spill related, 280 (400 in 2006) were air quality issues, and 22,142 (18,475 in 2006) were outgoing notifications. These numbers only reflect activity resulting in a report being filed with the Duty Officer. The balance of the calls consisted of weather related incidents, SARA Title III releases, pipeline incidents, Meth Labs, Bomb Squad or CAT/ERT team requests or activations, disaster operations and requests for the National Guard and/or Civil Air Patrol.
- F. **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 in 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 response 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 (PIO), the National Guard's 55th Civil Support Team, and the Minnesota Department of Health.

G. Statewide Bomb Squad Response capability is accomplished by four contractual agreements with four law enforcement agencies. These teams responded to 350 incidents throughout the state with 115 of them being state dispatched. This represents no increase for FY07. However with the Republican National Convention being hosted in Saint Paul; dignitary protection sweeps and bomb threats are anticipated to increase dramatically for FY08. Federal homeland security funding has been used to enhance the response capability of these teams. Some of the improvements made in 2007 included, 4 x-ray machines to identify possible Improvised Explosive Device's (IED).

H. 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 2005 all county governments did 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.

I. 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 the 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 Statute section 115.061 requires that spills be reported to MPCA via the state Duty Officer. Most MPCA permits also require notification of any tank leaks or breakdowns or bypasses of pollution control equipment. During calendar year 2007, the state Duty Officer relayed more than 2,988 spill, emergency, leak or pollution incidents to the MPCA.

MPCA has worked closely with emergency managers and public works officials of the State's largest jurisdictions on helping them prepare for debris management from potential natural disasters and terror related incidents in their areas. This also included training on contaminants from potential terror scenario incidents and field assessments of potential debris handling areas in each community. MPCA continues to work with Department of Agriculture on preparing for large scale carcass disposal if animal

epidemics arrive in Minnesota. MPCA has also assisted HSEM in delivering debris management training to Minnesota's emergency managers. During the flooding of SE Minnesota in August 2007 MPCA deployed scores of staff to the area to assist and support the cities, counties, companies and residents. Assistance included help with organizing, sorting, collecting, and disposing or recycling flood debris; stabilizing and restarting wastewater treatment plants; and cleaning up spilled oil and recovering floating tanks.

MPCA's Emergency Response Team has embraced spill prevention and spill response preparedness as part of their mission. Chapter 115E requires companies who operate storage tanks, pipelines, railroads, cargo trailers, or who 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 responders have reviewed hundreds of facility response plans; participated in or conducted many spill drills with facilities and local government, and presented dozens of spill response-training classes. MPCA does not, however, review all aspects of a facility's planning, nor does MPCA have authority over all chemical facilities.

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. MPCA does not review or regulate prevention or preparedness for fires and explosions or releases of acutely toxic gases that threaten the public's safety- Chapter 115E assigns public safety protection to the Department of Public Safety. Similarly 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 does not review facility plans or provide advice to local incident commanders on public health or individual health issues arising from a spill or toxic air release- that is the role of the Department of Health. MPCA reviews and enforces pipeline company preparedness for spills from pipelines, but the Department of Public 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 minimizing cleanup costs. Caches of shared oil spill response equipment have been placed 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 in coordination with the federal Environmental Protection Agency. 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 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 group in Washington and Dakota Counties and the Duluth Port Area Committee have been particularly effective and active. Fewer spills and better response preparedness result from CAER group 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 of the state "Superfund" and "Petro Fund" to activate contractors when necessary. Recovery of costs from responsible parties is pursued along with penalties when those public funds are used. In 2008 MPCA is focusing on broadening and improving the emergency preparedness of all of the agency's programs and staff.

J. 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 119 incidents in 2007.

Mn/DOT hazardous materials specialists continue to investigate 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. In 2007, a carrier of radioactive materials received a \$9,050 penalty assessment for violations of the hazardous materials and motor carrier safety regulations discovered after a hazmat incident. A hazardous materials shipper received a \$10,000 penalty for failing to secure a hazmat load and other violations that contributed to a crash and hazmat incident in Minneapolis.

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. Hazardous materials specialists of the OFCVO continue to do 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.

OFCVO hazardous materials specialists continue to offer Hazmat Incident First Responder classes to police, sheriff, 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.

K. Minnesota Department of Agriculture

The Minnesota Department of Agriculture (MDA) is the state agency accountable for responding to agricultural chemical incidents. The 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 anytime of the day or night. Of these four MDA employees, only one is dedicated to work full time on agricultural chemical emergency response. The other three are lead workers in other MDA programs.

The MDA on-call staff constantly debriefs all agricultural chemical spills that occur. Debriefing ensures our response improves thus providing 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 spiller or responsible party is unknown or refuses to cleanup the release.

In out state Minnesota there are eleven (11) regional MDA Agricultural Chemical Investigation staff. They are dispatched by the on-call team to provide emergency response guidance and oversight to local law, and fire. They also provide guidance to the spiller or the responsible party.

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. This training paid off during the August flooding of Rushford, Minnesota.

Potential areas for improvement are:

- Review facility incident response plans. A quality response plan greatly improves the safe response to spills. This would require additional staff time that is unavailable at the present.
- Support state agencies in their quest to provide air quality monitoring at the scene of a hazardous material release.
- Improve communications by obtaining 800 MHz radios.