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

**2008 Annual Report to the Legislature
M.S. 115 E.08, Subd.4
January 14th, 2009**

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



Background

Minnesota Statutes, Section 115E.08, Subdivision 2 directs the Commissioner of the Department of Public Safety to "...coordinate state agency preparedness for response to discharges of oil or hazardous substances." Section 115E.08 also 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.

Introduction

The task of coordinating state agency preparedness for discharges of oil and hazardous substances has been delegated to the Minnesota Department of Public Safety Division of Homeland Security and Emergency Management (HSEM). Towards that end, HSEM continues to maintain on-call staff that is trained to the hazardous materials Specialist level, and the Hazardous Materials Response Team Program. That 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. Both the Teams and the on-call staff are available 24 hours a day, 7 days a week and 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.

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. As noted earlier, these staff are 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 (CATs)** are currently composed of a minimum of nine trained personnel; one (hazardous materials) 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 assistance within their own jurisdictions throughout the year. As a result, during the year there were only 13 instances when CATs were asked to respond to incidents that occurred outside of their respective jurisdictions. The 13 state-requested CAT responses represented a 28 percent decrease from the total of 18 such responses that occurred in 2007.

During the year the state was able to utilize federal grant monies to supply a limited amount of additional equipment for the Teams. However, in 2009 HSEM hopes to draw on additional (Department of Homeland Security) Homeland Security Grant Program funds to purchase new equipment that has not been replaced since the inception of the Hazardous Materials Response Team Program in 1992.

Feedback from local jurisdictions concerning the Teams continues to be positive; especially as local fire department budgets continue to shrink. Many municipal fire

departments are no longer supporting (i.e., maintaining) local hazardous materials teams. Hence, when they respond to hazardous materials incidents, they are depending on the State Chemical Assessment Teams to provide both technical information and simple mitigation guidance. The Hazardous Materials Response Team program continues to be an effective and efficient way to supplement local response capabilities; and most of the costs that are incurred when Teams respond to incidents are recovered from the “responsible party”.

- C. **Emergency Response Team (ERT)** 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 it can also serve as a Chemical Assessment Team when needed. When operating as a CAT the ERT will respond with up to four personnel and adhere to CAT response protocols. At the present time one ERT is available to respond to incidents.

- D. **The Minnesota Emergency Preparedness and Response Committee** is chaired by HSEM. 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 as an important conduit for HSEM to provide state agencies with the guidance they need to enhance the state's ability to provide support and resources to local jurisdictions during an emergency or disaster. The Committee also helps facilitate updates to the *Minnesota Emergency Operations Plan*.

- E. **The Minnesota Duty Officer (MDO)** program is maintained by the Minnesota Department of Public Safety Bureau of Criminal Apprehension. 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 - ranging from air quality complaints to natural disasters to threats or acts of terrorism - are all coordinated through the MDO, which assists the public, local jurisdictions, tribal governments and professional response agencies 24 hours a day, 7 days a week. During the 2008 calendar year, the MDO processed approximately 8035 (7,065 in 2007) calls. Of these calls 2,730 (2,988 in 2007) were spill related, 292 (280 in 2007) were air quality issues, and 22,270 (22,142 in 2007) 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 via four contractual agreements with four law enforcement agencies. These teams responded to 382 incidents throughout the state with 139 of them being state dispatched. This represents a 21 percent increase for 2008. During the 2008 Republican National Convention the bomb squads were very active, adding ATF and FBI agents to the squads during the event. The training and planning leading up to the event was extraordinary, this event provided the bomb squads with a unique and valuable opportunity to work with Federal resources during a National Special Security Event. Federal homeland security funding has been used to enhance the response capability of these teams. Some of the improvements made in 2008 included, new robots to assist with identifying and neutralizing possible Improvised Explosive Device's (IED).

H. Incident Management System

The National Incident Management System (NIMS), 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. The National Incident Management System was adopted in Minnesota in 2005 via a Governors Executive Order; during that same year all city and county governments in the state did the same. NIMS includes the incident command system (ICS); which is used to coordinate the response to an incident. Agencies trained in ICS 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 NIMS 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 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. 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 petroleum tank leaks or breakdowns or bypasses

of pollution control equipment. During calendar year 2008, the state Duty Officer relayed more than 3,400 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 on site 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 Chapter 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. Following the I-35W bridge collapse MPCA and partner's monitored air and water, staged equipment for oil recovery, worked with MnDOT on demolition and debris, and expedited environmental review of the bridge replacement project. 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.

MPCA has worked closely with emergency managers and public works officials helping them prepare for debris management from potential natural disasters and terror related incidents in their areas. During Republican National Convention MPCA arranged for EPA's national experts to conduct workshops and training sessions for decontaminating sites and structures from biological, chemical, or radiological contaminants. MPCA continues to work with Department of Agriculture and Board of Animal Health 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.

MPCA's Emergency Response Team has embraced spill prevention and spill response preparedness as part of their mission. Chapter 115E requires companies that operate storage tanks, pipelines, railroads, 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 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. But MPCA does not review or regulate prevention or preparedness for fires, explosions, 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 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.

Identifying, 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 (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.

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

The Office of Freight and Commercial Vehicle Operations (OFCVO) has four hazardous materials transportation specialists who respond to hazardous materials transportation incidents, commercial vehicle crashes, 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, design and construction of hazmat packages, transportation security, and experience in dealing with illegal spills and abandonment's. OFCVO responded to 124 transportation incidents in 2008.

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 include examining shipper and carrier records to determine if hazmat tankers and other equipment were properly inspected and maintained, and that all hazmat employees, including drivers, are properly trained and certified. In 2008, significant emergency response activities included response to rolled-over gasoline transports near the Lowry Hill Tunnel in Minneapolis, and on I-35W in Roseville, discovery of a shipment of poisonous hazardous materials carried on the same truck with foodstuffs, and the explosion of a propane tanker near Olivia, Minnesota. Mn/DOT staff completed a survey of hazardous materials traffic in the vicinity of the Lowry Hill Tunnel, as part of a project to determine compliance with hazardous materials routing restrictions.

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.

Mn/DOT hazardous materials specialists received training on radioactive materials emergency response from the FBI in July, and additional training from the USEPA on response to chemical, biological, and radioactive materials during the Republican National Convention in September. 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 federal hazmat transportation security regulations.

Hazardous materials specialists of the OFCVO continue to do hazmat cargo inspections under the Hazardous Materials Package Inspection 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 hazmat transportation security, 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.