



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

2015 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
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

IN COOPERATION WITH:



MINNESOTA DEPARTMENT OF AGRICULTURE



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
MINNESOTA STATE PATROL



MINNESOTA POLLUTION CONTROL AGENCY



MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF FREIGHT AND COMMERCIAL VEHICLE OPERATIONS

Background

Minnesota Statutes, chapter 115E, requires responsible parties to prevent and, with state agencies, respond to discharges of oil and hazardous materials. The Department of Public Safety (DPS) commissioner coordinates state agency preparedness through the Homeland Security and Emergency Management Division (HSEM). Section 115E.08, subdivision 4 requires the commissioner to annually report to the appropriate committees of the Legislature on state government's readiness to respond appropriately to such incidents.

The following agencies have 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.
- Minnesota Pollution Control Agency, all other matters relating to chapter 115E.

National Incident Management System

All state agencies and local jurisdictions use the federally mandated National Incident Management System (NIMS) when responding to a variety of incidents. NIMS includes the incident command system used to coordinate response. The incident command system promotes teamwork and allows various levels of government to work together without disrupting the local response structure. *Governor's Executive Order 05-02* required state agencies to adopt NIMS, all city and county governments in the state adopted it as well.

The requests for HSEM-sponsored NIMS courses remain high. In a time of elevated terror alerts and budget cuts, state agencies and local jurisdictions recognize the need to share resources and standardize training. Partnerships with the Association of Minnesota Emergency Managers and others continue to improve service delivery to meet this demand.

Minnesota Department of Public Safety Homeland Security and Emergency Management Division

HSEM's mission is to help Minnesota prevent, prepare for, respond to and recover from natural and human-caused disaster. HSEM ensures 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.

Minnesota Duty Officer

The Bureau of Criminal Apprehension, a division of DPS, maintains the Minnesota Duty Officer program. The MDO has proven to be a critical statewide link in notifying state agencies of hazardous materials spills and releases.

Incoming assistance requests cover a broad range of topics, including environmental concerns, natural disasters, and threats or suspected acts of terrorism. The MDO operates 24 hours a day,

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seven days a week, coordinating assistance to local and tribal governments, and professional response agencies. In 2015, the MDO handled 762 calls related to discharges of oil or hazardous substances, about nine percent of the total calls (see Figures 1, 2 and 3).

Initiating call category	Initiating calls to MDO*	Resulting notifications/calls
Air Quality	462	1959
Bomb Squad**	110	615
CAT/ERT Request**	26	339
Fire Marshal Investigator	529	1346
Informational Call	3303	3545
Methamphetamine Lab	2	7
Mutual Aid	1	3
National Guard/CAP/Aircraft	6	11
Nuclear Plant	106	336
Pipeline Break/Leak**	219	858
SARA Title III Release**	53	271
Search and Rescue	4	20
Spills	2563	12,080
Supplemental	700	5480
Tank Pulls (Contaminated Soil)**	354	853
Waste Water Bypass	209	926
Weather Incident	35	36
WMD Threat**	0	0
Totals	8682	28,685

Figure 1

*Initiating calls appear under all appropriate categories. For example, a spill call requiring a CAT/ERT response is listed under both “Spills” and “CAT/ERT Request.” These numbers reflect only calls resulting in an MDO report.

**Related to discharges of oil or hazardous substances.

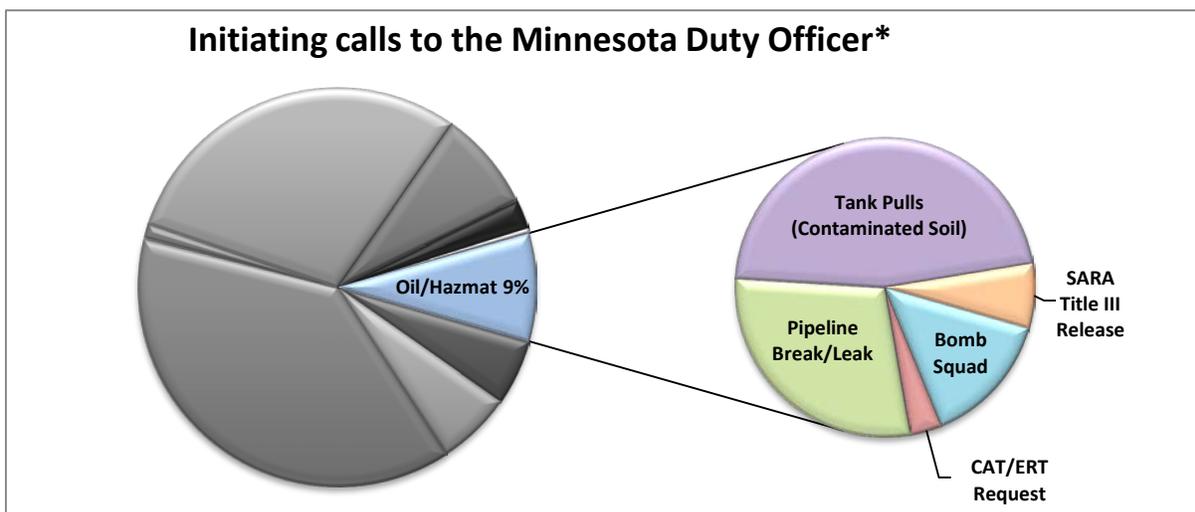


Figure 2

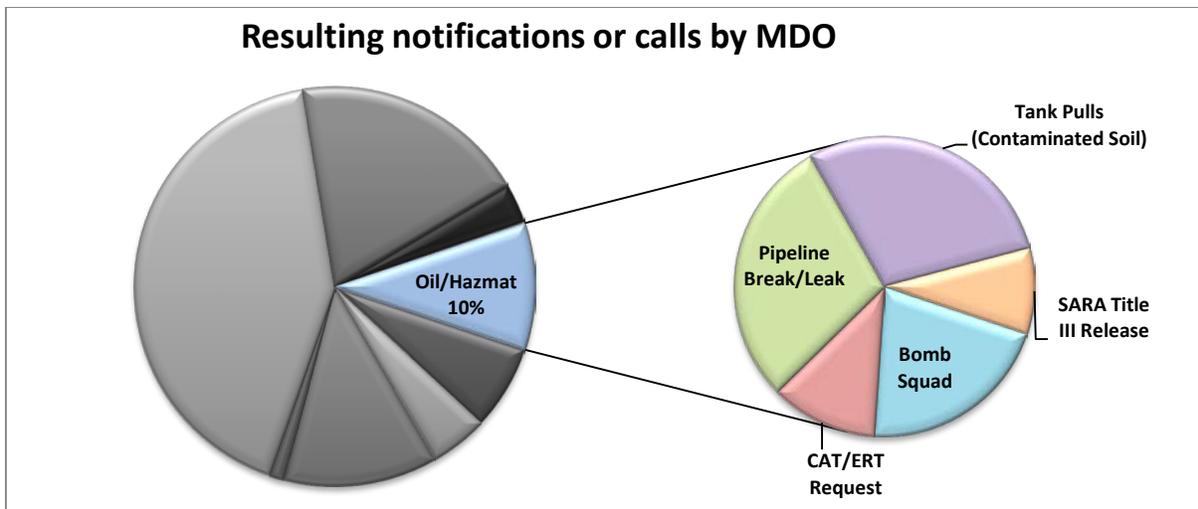


Figure 3

Minnesota State Patrol

The Minnesota State Patrol is routinely one of the first agencies to respond to an incident involving a hazardous material. This may occur on or near a highway where motoring public protection is critical. Within the Commercial Vehicle Section of the State Patrol are commercial vehicle inspectors and state troopers who inspect commercial vehicles involved in crashes, many transporting hazardous materials. The inspections help determine regulation violations and contributing factors to the crash. The inspectors are trained in proper hazardous materials packaging and cargo tanker operations. Information found during an inspection may be handled criminally or passed on to other state or federal agencies for further investigation.

Two inspectors are trained to conduct CVSA Level VI Radioactive inspections on vehicles transporting special high level radioactive shipments. These loads must be inspected when originating in Minnesota or entering Minnesota from Canada.

The State Patrol has a hazardous materials decontamination push pack trailer that can be deployed anywhere in the state. In addition, an explosives detecting K9 is assigned to a trooper at the State Capitol.

HSEM State Emergency Response Teams Coordinator

HSEM coordinates all state contract emergency response teams, response asset programs, and statutory requirements. The coordinator ensures the state of Minnesota and local governments have the capability to respond and protect the public from an incident — accidental or intentional — that may involve hazardous materials, explosive devices or structural collapse. The coordinator is a subject matter expert with deep technical knowledge of hazardous substances and explosives.

The coordinator manages operations of the statewide system of regional response teams: hazardous material teams, chemical assessment teams (as defined by 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

HSEM maintains the Hazardous Materials Regional Response Team program, assisting 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 teams outlined below, three HSEM on-call staff members are trained 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 on-call staff are available 24 hours a day, seven days a week. Local authorities request assistance via the Minnesota Duty Officer. HSEM also contracts with four local 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

Chemical Assessment Teams (CATs) comprise a minimum of nine trained personnel per team. One hazardous materials specialist and two technicians must be available to respond at all times. Assistance requests within their own jurisdictions decreased from 20 last year to 15 this year. CATs also responded to six incidents that occurred outside of their respective jurisdictions during this reporting period. On-call staff provided phone consultation in an additional 28 incidents.

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 follow-up by other state agencies. A CAT's primary incident scene responsibilities are hazard assessment, technical assistance, simple mitigation and basic decontamination.

CATs are capable of product sampling, identifying unknown substances, air monitoring, plume projection, evacuation/sheltering recommendations, over pack/containment of a container and sample collection (not evidence). CATs cannot assume overall command of a local incident; they do not clean up or transport

hazardous materials, mitigate explosive devices or clandestine drug labs, or respond to waste abandonment or abandoned barrel calls.

CATs continue to get positive feedback from local jurisdictions. Because many municipal fire departments no longer maintain local hazardous materials teams, they depend on CATs to provide technical information and simple mitigation guidance. The responsible party pays most CAT response costs.



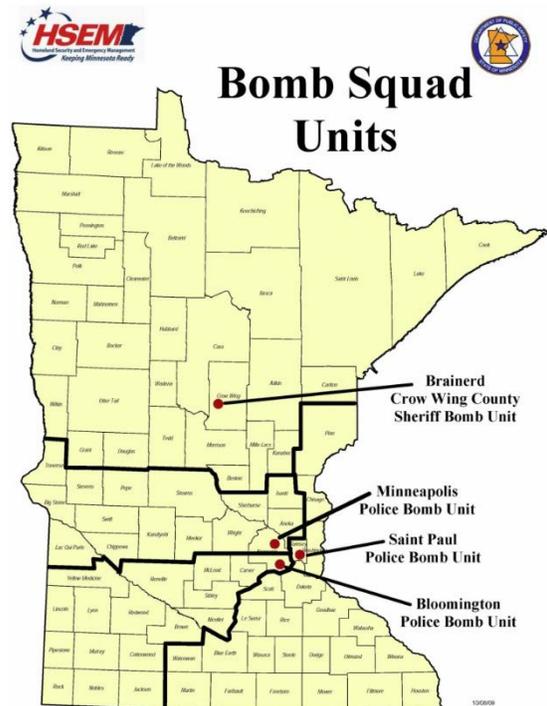
Emergency Response Team (ERT)

ERTs are located within the cities of Saint Paul and Moorhead. Both serve as Chemical Assessment Teams when needed. Each ERT has at least 30 trained personnel, with four specialists, four technicians and one medical support officer on duty at all times. When operating as a CAT, ERTs respond with up to four team members and adhere to CAT response protocols.

An ERT may take action necessary to protect life, property and the environment from the effects of a hazardous material release. Its actions include preventing a hazardous release, mitigating the effects of the release and stabilizing the situation. St. Cloud and Duluth ERTs were established July 1, 2015.

Bomb Disposal Units

There are four contracted bomb disposal units in the state teams program. These squads comprise universally trained and equipped licensed Minnesota peace officers certified as hazardous devices technicians and 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 do not respond to reports of abandoned barrels. These teams responded to 221 incidents throughout the state; the Minnesota Duty Officer received and dispatched 88 of those calls.



Preparedness and Response Committees

Minnesota Emergency Preparedness and Response Committee

HSEM chairs the Minnesota Emergency Preparedness and Response Committee. The committee meets quarterly or as needed to share information and discuss topics of common interest. The EPRC has one member from each state agency identified in *Governor's Executive Order 15-13: Assigning Emergency Responsibilities to State Agencies*. The EPRC guides state agencies as they provide support and resources to local jurisdictions during emergencies. The EPRC also facilitates updates to the *Minnesota Emergency Operations Plan*.

State Agency Responders Committee

HSEM coordinates the State Agency Responders Committee, composed 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 Minnesota Pollution Control Agency, the National Guard 55th Civil Support Team and the departments of Agriculture, Health, Labor and Industry, Natural Resources, Public Safety and Transportation.

Minnesota Department of Agriculture

The Minnesota Department of Agriculture (MDA) is the lead state agency accountable for responding to agricultural chemical incidents. MDA's agricultural chemical emergency response program, housed in the Pesticide and Fertilizer Management Division (PFMD), consists of an on-call team of four based in St. Paul. Team members rotate on-call duties ensuring immediate agricultural chemical incident response availability anywhere in Minnesota at any time of day or night. Of the four team members, one is dedicated to work exclusively on agricultural chemical emergency response. The other three are lead workers in related MDA programs.

The agricultural chemical emergency response program is augmented by thirteen regional MDA agricultural chemical investigators and three specialized anhydrous ammonia inspection staff located throughout Minnesota. Inspection staff may be dispatched by an on-call team member to provide a rapid on-site presence, emergency response support and oversight for environmental cleanup. The team responds to approximately 120 agricultural chemical spills per year.

The on-call team regularly debriefs agricultural chemical incidents to team members and to management. Debriefing ensures an improved response, thus providing high quality service to the people of Minnesota.

In the event a responsible party is unknown, unwilling or unable to respond to an incident, on-call staff have the authority, under Minn. Stat., chapter 115B, to dispatch an emergency response contractor as well as initiate cost recovery and enforcement actions against the responsible party.

PFMD emphasizes emergency preparedness statewide:

- Spill prevention and response training for new pesticide applicators and pesticide recertification workshops.
- Simplified and harmonized incident response plan statutes made pesticide and fertilizer plan requirements identical. Clarified plan maintenance and training schedules. First responders offered an opportunity to review all plans within their jurisdiction.
- Four MDA-sponsored anhydrous ammonia safety workshops in 2015.
- Completed more than 90 anhydrous ammonia bulk storage facility inspections and maintained its three year inspection interval.
- Continued spill prevention and preparedness outreach to agricultural chemical users, dealers and manufacturers.

The MDA continues to coordinate emergency preparedness and response readiness across all divisions. The MDA is training staff in advanced Incident Command System practices to better coordinate all MDA responses. In partnership with the Minnesota Board of Animal Health and U.S. Department of Agriculture, Animal and Plant Health Inspection Services, Veterinary

Services, the MDA continues to build the Minnesota Agriculture All-Hazards Incident Management Team (IMT). Comprising the eight command and general staff positions of ICS, the Minnesota Agriculture IMT is a resource available to assist state, county and local units of government in agricultural emergencies.

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency (MPCA) is the lead state agency for environmental hazard response for oil and hazardous substances. The Minnesota Pollution Control Agency Emergency Response Team (MPCA ERT) consists of eight staffed full-time equivalent positions held by highly trained and experienced staff. They are stationed in St. Paul and in five regional offices around the state. One emergency responder is on-call during all evening and weekend hours.

The MPCA has the following types of required reporting through the Minnesota Duty Officer program:

- Materials spills that may result in pollution of state waters.
- Air quality equipment breakdowns and shutdowns.
- Permit-required notifications, such as unpermitted discharges, and petroleum tank and line leaks.

MPCA ERT works collaboratively and cooperatively with emergency responders from federal, state, county and local units of government. MPCA's usual role is overseeing and directing cleanups done by the companies responsible for the incident. This may be as simple as a telephone call confirming adequate cleanup of a small spill is underway or as complex as extended onsite presence to oversee all aspects of cleaning up a major spill, such as a train derailment or a petroleum pipeline spill.

In cases where the responsible party is unknown, unable or unwilling to conduct cleanup, MPCA hires state contractors under Minn. Stat., chapter 115B or 115C authorities to clean up the spill. MPCA usually pursues 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 may include help with organizing, sorting, collecting, and recycling and disposing of debris; stabilizing and restarting wastewater treatment plants; cleaning up spilled oil; and recovering scattered or floating tanks. MPCA can assist and advise local public safety officials on cleanup and recovery concerns during the public safety phase of 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 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.

In 2015, the Legislature added specific preparedness responsibilities and duties for the MPCA, DPS and railroads operating unit trains in Minnesota. MPCA performed the following tasks:

- Worked with DPS on developing railroad training for local units of government.
- Presented at 10 railroad training sessions with DPS.
- Conducted multiple meetings with the five railroad companies operating unit trains.
- Developed a compliance checklist for the railroads to submit with their updated prevention and response plans.
- Reviewed five railroad plans for 115E compliance and provided feedback to the companies.
- Began planning for railroad drills.

MPCA provides oil spill response training to fire departments throughout the state. The MPCA ERT offers classroom instruction, hands-on practice deploying equipment, exercises or special requests. MPCA sometimes provides response equipment to ensure preparedness and benefit the environment. Fire departments contain businesses' spills and minimize environmental damage and cleanup costs. In calendar year 2015, the MPCA provided training to three fire departments. MPCA's responders have been strong players in several of the public/private sector groups formed across Minnesota to facilitate partnership between facilities and all levels of government. MPCA is an active participant in the following organizations, all of which promote coordinated spill preparedness and response:

- MnWARN organization, which coordinates mutual aid in time of system breakdown or disaster of local water and wastewater operations.
- Wakota Community Awareness and Emergency Response (CAER) group in Washington and Dakota counties. Wakota CAER placed caches of shared oil spill response equipment along the Mississippi, St. Croix and Minnesota Rivers.
- United States Coast Guard Western Lake Superior Port Area Committee.
- USEPA Siouxland, Red River and Twin Cities Subarea Committees.
- USEPA Region V Regional Response Team.

Minnesota Department of Transportation Office of Freight and Commercial Vehicle Operations

The Minnesota Department of Transportation (MnDOT) Office of Freight and Commercial Vehicle Operations (OFCVO) is responsible for responding to transportation-related hazardous material incidents (by all modes), hazardous material commercial motor vehicle crashes,

homeland security-related incidents, and spills and abandonments of hazardous material on MnDOT rights of way. OFCVO has four hazardous materials specialists who rotate on-call to respond immediately to these incidents.

OFCVO hazardous material specialists have in-depth knowledge of hazardous materials transportation regulations. They also have extensive training and experience in:

- The Incident Command System.
- Emergency response techniques and management.
- The design and construction of hazardous material cargo tanks and other hazardous material packages.
- Product transfer.
- Heavy-duty vehicle recovery and towing.
- Chemical and radiological hazards.
- Abandonments and illegal dumping of hazardous materials.

MnDOT hazardous materials specialists investigate causes of transportation-related incidents and refer responsible parties for regulatory review when merited. Transportation-related incidents are tracked internally; 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 an examination of shipper and carrier procedures and records to determine if hazardous materials tankers and other equipment were properly inspected and maintained, and if all hazardous materials employees, including truck drivers, were properly trained, tested and certified.

All of MnDOT's hazardous materials specialists are Commercial Vehicle Safety Alliance certified to conduct Level VI inspections. These inspections ensure that packaging and vehicle transports of transuranic wastes or High Route Controlled Quantities of radioactive materials are "defect free" and safe to enter Minnesota.

OFCVO hazardous materials specialists continue to offer incident response first responder training to police, fire departments and state and local highway maintenance workers. These classes are designed to assist local and state agency personnel identify the hazards that may be present at a transportation-related hazardous materials incident. OFCVO staff provides hazardous materials training to the private sector, with the goal of reducing highway crashes and hazardous materials incidents.

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 primarily responsible for oil or hazardous substance discharge incidents. The state emergency response teams and agencies meet regularly to maintain interagency cooperation, share training, and maintain and improve response levels in order to provide the best services possible within the state. Minnesotans can be assured highly trained specialists are on hand whenever an incident involving oil or hazardous substances occurs.