



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

2019 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



MINNESOTA DEPARTMENT OF AGRICULTURE

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL

BUREAU OF CRIMINAL APPREHENSION HOMELAND

SECURITY AND EMERGENCY MANAGEMENT

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, prepare for and respond to discharges of oil and hazardous materials. State agencies and departments also have responsibilities. The Department of Public Safety (DPS) commissioner coordinates state agency preparedness through the State Fire Marshal Division (SFMD).

Section 115E.08, subdivision 4 requires the commissioner to report annually to the appropriate legislative committees on state government's readiness to respond appropriately to such incidents.

The following departments 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.

Minnesota Department of Public Safety

Minnesota State Fire Marshal Division

The SFMD's mission is to protect lives and property by fostering a fire-safe environment through investigation, enforcement, regulation, data collection and public education.

The SFMD supports local fire departments and law enforcement authorities, other agencies, and the general public with:

- Fire/arson investigation training for local public safety personnel.
- Fire investigations and fire death investigations.
- Materials, training and assistance to implement fire safety education programs.
- Fire inspections in public and charter schools, hotel/motels and health care facilities.
- Development and adoption of state fire code.
- Data collection to strengthen fire code, code enforcement and fire safety education.

Minnesota Duty Officer

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

Incoming requests for assistance 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, seven days a week, coordinating assistance to local and tribal governments and professional response agencies. In 2019, the MDO handled 681 calls related to discharges of oil or hazardous substances, which accounted for about 8 percent of the initiating calls (see Figures 1, 2 and 3).

Initiating call category	Initiating calls to MDO*	Resulting notifications/calls
Air Quality	239	1051
Bomb Squad**	115	586
CAT/ERT**	21	224
Informational Call	3351	3406
Fishkill	63	315
FM Investigator	615	1400
Methamphetamine Lab	0	0
Mutual Aid	1	4
National Guard/CAP/Aircraft	24	85
Nuclear Plant / Accident	163	178
Pipeline Incident (Break/Leak)**	178	678
SARA Title III Release**	34	134
Search and Rescue	2	5
Spills	2594	12055
Supplemental	708	5215
Tank Pulls (Contaminated Soil)**	333	718
Waste Water Bypass	313	1348
Weather Incident	41	75
WMD Threat**	2	2
Totals***	8,720	27479

Figure 1

INITIATING CALLS TO THE MINNESOTA DUTY OFFICER- STATE RESPONSE TEAMS

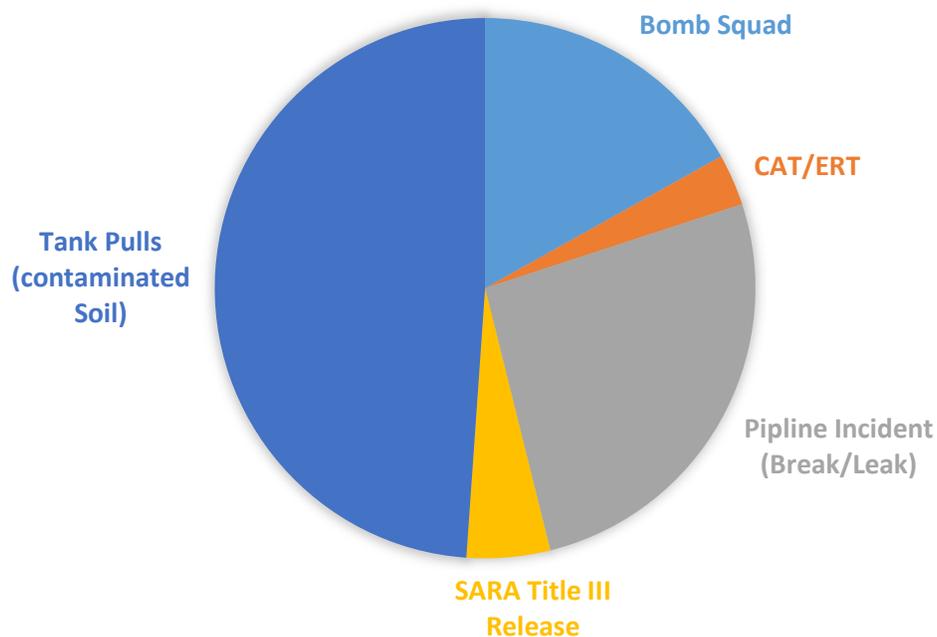


Figure 2

NOTIFICATIONS RESULTED FROM INITIATING CALL - STATE RESPONSE TEAMS

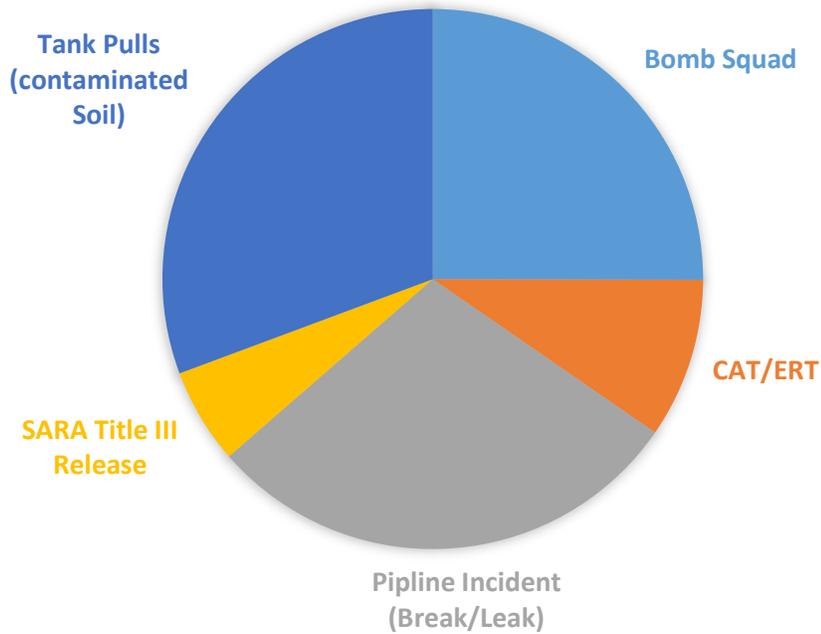


Figure 3

*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.

*** Call received to MDO Jan. 1, 2019, through Dec. 4, 2019

Minnesota State Patrol

The Minnesota State Patrol is routinely one of the first agencies to respond to an incident involving hazardous materials. This may occur on or near a highway where public protection is critical. The Commercial Vehicle Section of the State Patrol includes inspectors and state troopers who inspect commercial vehicles involved in crashes, many transporting hazardous materials. The inspections help identify 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.

One trained inspector conducts Commercial Vehicle Safety Alliance (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 trailer that can be deployed anywhere in the state. In addition, an explosives-detecting K-9 is assigned to a trooper at the State Capitol.

SFMD State Emergency Response Teams Coordinator

The SFMD 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 to 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 materials 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

The SFMD maintains the Hazardous Materials Regional Response Team program, which assists 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, six SFMD on-call staff members are trained to comply with national standards. Both the teams and on-call staff are available 24 hours a day, seven days a week. Local authorities request assistance via the MDO. The SFMD also contracts with four local law enforcement agencies to provide statewide response for explosive devices.

The Hazardous Materials Regional Response Team program continues to be an effective and efficient way to supplement local response capabilities.

Chemical Assessment Teams (CATs)

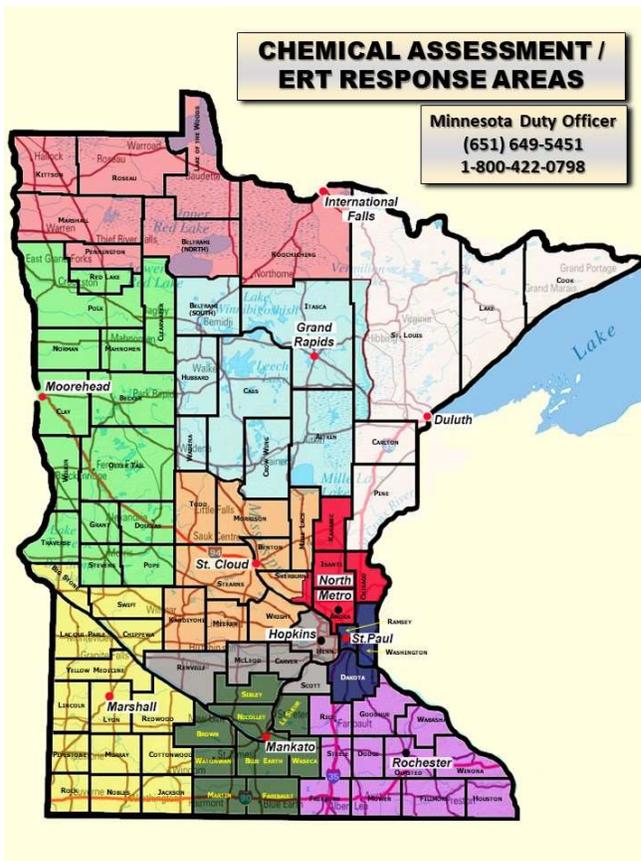
CATs are composed of a minimum of nine trained personnel. One hazardous materials specialist and two technicians must be available to respond at all times. Assistance requests within the CATs' respective jurisdictions increased from 22 in 2018 to 24 this year. CATs also responded to 12 incidents that occurred outside of their respective jurisdictions during this reporting period.

SFMD on-call staff provided phone consultation in an additional 20 incidents and were on the scene of eight incidents.

CATs provide local incident commanders with technical support and monitoring, professional responders trained to exceed OSHA and National Fire Protection Association 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.

Local jurisdictions continue to provide positive feedback about Minnesota's CATs. 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 Teams (ERTs)

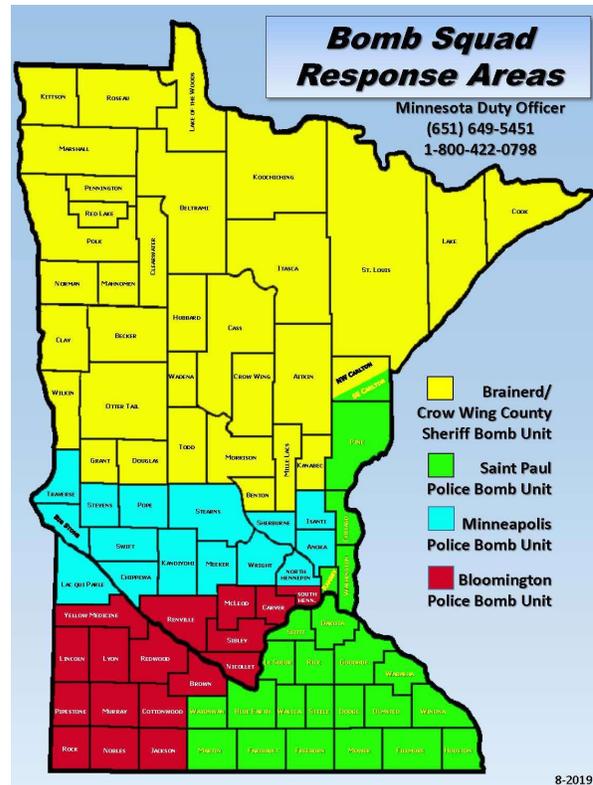
ERTs are located in the cities of Duluth, Moorhead, St. Cloud and St. Paul. All serve as CATs when needed. Each ERT has at least 30 trained personnel, with four specialists, four technicians and one medical support officer on duty at all times. When operating as a CAT, ERTs respond with up to four team 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 release, mitigating the effects of the release, and stabilizing the situation.

Bomb Disposal Units

There are four contracted bomb disposal units in the State Emergency Response Teams program. These squads comprise universally trained and equipped licensed Minnesota peace officers certified as hazardous device 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.

In 2019, the MDO received and dispatched these teams to 115 incidents throughout the state. Bomb squads do not respond to reports of abandoned barrels.



Preparedness and Response Committees

State Agency Responders Committee

The SFMD coordinates the State Agency Responders Committee, composed of the initial on-call field responders from all state agencies with 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 the jurisdictions' 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 a four-member on-call team based in St. Paul. Team members rotate on-call duties, ensuring immediate agricultural chemical incident response is available 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 12 regional MDA agricultural chemical investigators and two specialized anhydrous ammonia inspection staff located throughout Minnesota. Inspection field 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 responded to approximately 126 agricultural chemical spills in 2019, 34 of which involved the release or threatened release of anhydrous ammonia.

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

In the event a responsible party is unwilling or unable to respond to an incident or is unknown, on-call staff have the authority, under Minnesota Statutes, 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 by offering:

- Spill prevention and response training for new pesticide applicators and pesticide recertification workshops.
- Compliance assistance with the simplified incident response sample plan that includes clarified plan maintenance, training schedules and first responder notification.
- Spill prevention and preparedness outreach to agricultural chemical users, dealers, manufacturers and safety officers.
- Inspection of anhydrous ammonia facilities and investigation of anhydrous ammonia incidents. In 2019, they conducted 69 inspections and 34 investigations.
- Anhydrous ammonia safety workshops to the regulated community, emergency responders, insurance and safety representatives, and agricultural college students. They provided seven workshops in 2019. MDA also participated in anhydrous ammonia emergency response training offered by the agricultural chemical industry.

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency (MPCA) is the lead state agency for oil and hazardous substance responses that affect the environment. The MPCA's emergency response program consists of seven full-time equivalent positions held by highly trained and experienced staff located in Brainerd, Duluth, Marshall, Rochester and St. Paul. One emergency responder is on-call during all evening and weekend hours.

During fiscal year 2019, MPCA conducted a gap analysis directed at both internal and external emergency management programs. The gap analysis resulted in an organizational restructuring with

the goal of consolidating, streamlining and improving preparedness. A new section reporting to the commissioner's office was created, and the following programs were moved: Emergency Response, Safety, and Continuity of Operations Planning. These programs all have internal preparedness duties and will benefit from increased collaboration and reduced duplication on many tasks and projects. Due to program cuts over the last five years, the reorganization, and several vacancies, the MPCA's preparedness has deteriorated. However, the agency has a cross-program management team responsible for preparing the agency. Many improvement actions are identified; however, resources are slim and progress is slow. One prominent shift for the agency is creating specific planning and preparedness positions devoted to the work rather than assigning it to the emergency responders whose priority is environmental emergencies.

The MPCA uses the MDO program for the following reporting requirements:

- Any substance or material discharged or spilled that may cause pollution of state waters. This includes everything from milk and manure to petroleum and industrial chemicals.
- Air releases and equipment breakdowns and shutdowns.
- Permit-required notifications, such as wastewater spills and bypasses.
- Pipeline breaks and leaks.
- Railroad spills of any kind.
- Leaking storage tanks.
- Discovery of contamination in soil or water.

For fiscal year 2019, MPCA received 3800 notifications through the MDO program. The emergency response (ER) program triages these reports, assessing the situations for emergency environmental conditions requiring state oversight. The MPCA ER program handled approximately 2210 of 3800 incidents working collaboratively and cooperatively with emergency responders from federal, state, tribal, county and local units of government. MPCA's usual role is overseeing and directing environmental cleanups done by the companies responsible for the incident. This may be as simple as a telephone call confirming that 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 resulting from a train derailment.

In cases where the responsible party is unable or unwilling to conduct a cleanup or is unknown, MPCA may hire a state contractor to clean up the spill. MPCA then pursues cost recovery and appropriate enforcement actions against the responsible party.

During floods and storms, MPCA offers assistance and support to those affected. Assistance may include help with organizing, sorting, collecting, recycling and disposing of debris; stabilizing and restarting wastewater treatment plants; cleaning up spilled oil; and recovering scattered or floating tanks. MPCA can advise and assist local public safety officials with cleanup and recovery concerns during the public safety phase of incidents involving oil and hazardous materials.

Spill prevention and preparedness is a key component of MPCA's ER programs. Minnesota Statutes, chapter 115E, requires specific preparedness of some companies, including a written prevention and response plan. MPCA reviews these plans as time and circumstances allow, and we provide guidance and technical assistance to the regulated community.

Railroads operating unit trains have additional preparedness requirements that MPCA is responsible for overseeing. Additionally, MPCA has specific duties and responsibilities under the statute. Unfortunately, MPCA staff funding will end after FY21. If there is no legislation for funding this work, MPCA will minimize efforts to meet our assigned responsibilities. Railroads operating unit trains have additional preparedness requirements that MPCA is responsible for overseeing. In FY 2019, MPCA performed the following tasks related to those requirements:

- Planned and prepared for an equipment drill with two regulated railroads and their contractors. The purpose of the drill was to improve ethanol spill preparedness and response on surface waters.
- Conducted or participated in four fire department trainings.
- Participated in quarterly meetings organized by SFMD for the state-contracted CATs and the State Hazmat Responders Group.

MPCA's authorities and responsibilities under Minnesota Statutes, chapter 115E, are for pollution and environmental protection from releases of oil and hazardous substances. For example, MPCA reviews and regulates facilities' preparedness to contain and recover oil spills, protect water resources from pollution, and 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. Minnesota Statutes, chapter 115E, assigns the MDA the responsibility of working with facilities on preparedness for releases of agricultural chemicals, including pesticides, anhydrous ammonia and chlorine.

The following is a list of MPCA compliance efforts during 2019.

- Reviewed compliance of 150 items under 115E and found 63 percent compliance rate.
- Issued seven letters of warning, one notice of violation, and one civil citation, and provided input on several multimedia enforcement actions.
- Reviewed several spill prevention and response plans for compliance and provided technical assistance as requested.

MPCA reviews and enforces petroleum pipeline companies' preparedness for spills from pipelines. The Department of Public Safety Office of Pipeline Safety enforces the pipeline spill and leak prevention and operation requirements. MPCA reviewed one pipeline spill prevention and preparedness plan during FY19.

MPCA provides oil spill response training to fire departments throughout the state as requested. The MPCA Emergency Management Unit offers classroom instruction, hands-on practice deploying equipment, and assistance with exercises. MPCA occasionally provides response equipment to ensure preparedness and benefit the environment, because fire departments contain businesses' spills and minimize environmental damage and cleanup costs. The MPCA conducted or participated in four fire department trainings in FY19.

MPCA served on the Clean Waterways Conference planning committee, bringing preparedness issues to their agenda. In addition, MPCA's emergency response program staff are contributing partners in several of the public/private sector preparedness groups. MPCA is an active participant in the following organizations, all of which promote coordinated spill preparedness and response:

- Minnesota Water and Wastewater Agency Response Network (MN WARN), an organization coordinating mutual aid in time of system breakdown or disaster of local water and wastewater operations.
- Red Wing Community Awareness and Emergency Response (CAER) Organization.
- Wakota CAER in Washington and Dakota counties.
- United States Coast Guard Western Lake Superior Port Area Committee.
- United States Environmental Protection Agency (EPA) Siouxland, Red River and Twin Cities sub-area committees.
- EPA Region V Regional Response Team.
- Upper Mississippi River Basin Association Spills Group.

Fostering relationships and building partnerships results in a prepared state and unified, effective, efficient responses. The MPCA emergency response program strives to improve the state's preparedness on a daily basis.

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 materials incidents by all modes. This includes hazardous materials commercial motor vehicle crashes, homeland security-related incidents, and spills and abandonments of hazardous materials on MnDOT rights of way. OFCVO has three hazardous materials specialists who rotate on call to respond immediately to these incidents.

OFCVO hazardous materials 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 materials cargo tanks and other hazardous materials 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 U.S. Department of Transportation 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 whether hazardous materials tankers and other equipment were properly inspected and maintained, and whether all hazardous materials employees,

including truck drivers, were properly trained, tested and certified.

Two of MnDOT's three hazardous materials specialists are CVSA-certified to conduct level VI inspections. These inspections ensure packaging and vehicles transporting transuranic wastes or highway-route controlled quantities of radioactive materials are defect-free and safe to enter and travel through 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 in identifying the hazards that may be present at a transportation-related hazardous materials incident. OFCVO staff provide hazardous materials training to the private sector, with the goal of reducing highway crashes and hazardous materials incidents.

Minnesota Emergency Preparedness and Response Committee

The Department of Public Safety's Homeland Security and Emergency Management division chairs the Minnesota Emergency Preparedness and Response Committee (EPRC). Members meet 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.

Conclusion

Minnesota has an effective response system in place with a centralized notification point — the MDO — 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 for the state. Minnesotans can be assured that highly trained specialists are on hand whenever an incident involving oil or hazardous substances occurs.