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

**2005 Annual Report to the Legislature
M.S. 115E.08, Subdivision 4
January 7, 2005**

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.115E.01 through 115E.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 commensurate with locally available levels of hazardous materials training and response capability. The hazardous materials response teams and the on-call staff are available 24 hours a day, 7 days a week through the Minnesota Duty Officer. The department also contracts with four law enforcement agencies to provide statewide response for explosive devices.

Program Outlines

Homeland Security and Emergency Management

- A. **HSEM Hazardous Materials Staff** are on-call 24 hours a day, 7 days a week to assist the local incident commander with technical guidance and helps determine what resources and services may be needed to manage the incident. The on-call staff is trained to the Specialist level in hazardous materials and provides technical assistance via phone. Additionally on-call staff members carry response equipment in their vehicles giving them the capability to respond as needed to the scene.
- B. **The Chemical Assessment Teams (CAT)** are currently composed of a minimum of nine trained personnel, three of which must be available to respond at all times, one specialist and two technicians. Each of the 11 teams is strategically placed to provide a 2-hour response time 90% of the time within their primary response area. The Minnesota Duty Officer dispatched 9 of the 11 teams 16 times throughout 2004 in comparison to 19 times in 2003. Which reflects a 16% decrease in calls for service. Below is a breakdown of state dispatched responses by team.

- Arrowhead (Grand Rapids) 0 responses
- Duluth 1 response
- Hopkins 2 responses
- Mankato 1 response
- Marshall 1 response
- Moorhead 1 response
- North Metro 0 responses

- Rochester 2 responses
- St. Cloud 3 responses
- St. Paul 3 responses
- West Central 2 responses

Each team also responded to calls within their individual jurisdiction totaling 422 calls. These responses were a variety of calls such as chemical leaks and spills, and requests for monitoring of chemical odors. Some teams also responded to private businesses under contract. These responses totaled 148 for the year 2004.

The newest CAT team (South West CAT team, Marshall MN) is now on-line and has been operational since July 1, 2004, and has made one response to a train derailment in Balaton, MN in late July.

Additionally each CAT team will be provided with a new truck and trailer to assist with storage and transportation of equipment to the scene. Delivery of the new trailers has started and will be completed by mid-January. Delivery of the new CAT trucks will be completed by the end of March 2005. Funding for these initiatives were made possible through Federal Homeland Security allocations.

The CAT teams continue to be the primary response team for the program. HSEM has increased the capacity of the CAT teams by adding equipment, and additional personnel on the initial response to bring the incident under control sooner. This has been possible through Homeland Security Funding for enhanced equipment, training, and exercising for each of the teams. By June of 2005 all of the CAT teams will be equipped similar to the Emergency Response Team (ERT). If additional personnel are needed on scene another CAT team could respond with additional personnel and provide the same level of service as the ERT.

C. Emergency Response Team (ERT)

The Emergency Response Team is composed of a minimum of thirty trained personnel, nine of which must be available for response at all times, four specialists, four technicians, and one medical support officer. The state currently has one ERT that responds statewide. The ERT can also serve as a Chemical Assessment Team (CAT). When operating as a CAT the ERT will respond with up to four personnel and adhere to CAT response protocols. In 2004 there were no responses for the ERT team. In 2003 they responded to one call.

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.

D. The Minnesota Emergency Preparedness and Response Committee

The Minnesota Emergency Preparedness and Response Committee is coordinated and facilitated by HSEM staff and consists of the state agencies identified in Governor

Pawlenty's Executive Order 04-04 Assigning Emergency Responsibilities to State Agencies. The state agencies on the Committee are those primarily responsible for supporting the needs of local government during emergencies and disasters. The Committee meets once every other month (or as-needed) to share information and coordinate their collective efforts to prevent, prepare for, respond to, recover from, and mitigate the effects of a natural or man-made disaster. The Committee also discusses, reviews, and updates the Minnesota Emergency Operations Plan, which details how agencies will follow up on the general emergency roles and responsibilities assigned to them in Executive Order 04-04 Assigning Emergency Responsibilities to State Agencies.

- E. **The Minnesota Duty Officer (MDO)** program, located within the Homeland Security and Emergency Management division has proven to be a critical link in notifying state agencies of spills. The MDO is the "hub" within the emergency management cycle of mitigation, preparedness, response, and recovery. Incoming requests for assistance ranging from air quality complaints, to natural disasters, to threats or acts of terrorism are all coordinated through the MDO. Staffing consists of one part time and five full time Duty Officers who assist the public and professional response agencies 24 hours a day, 7 days a week. The around the clock staffing of the MDO also means that the State Emergency Operations Center is operating at routine level 24 hours a day, 7 days a week.

During the 2004 calendar year, the Duty Officers processed approximately 10,271 incoming calls, in turn making 18,395 outgoing notifications.

Incoming calls:

- a) 56% were informational inquiries
- b) 23% were spills, up 3% from 2003
- c) 19 calls involving a WMD threat

Outgoing notifications:

- a) 56% were spills notifications
- b) 23% were supplemental report calls, down 1% from 2003
- c) 15% were air quality related, down 5% from 2003, equal to 2002
- d) 57 notifications related to WMD calls

The balance of the calls consisted of weather related incidents, SARA Title III releases, pipeline incidents, clandestine labs, Bomb Squad or CAT / ERT requests or activations, and requests for the National Guard or Civil Air Patrol.

- F. **The State Agency Hazardous Materials Responder 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, the National Guard's 55th Civil Support Team, and the Minnesota Department of Health.

G. Statewide Bomb Squad Response

This capability is accomplished by four contractual agreements with four law enforcement agencies, Bloomington Police Department, Crow Wing County Sheriffs Office and Brainerd Police Department, Minneapolis Police Department, and St. Paul Police Department. These teams responded to 90 incidents outside of their primary service area (home town) in 2004. Compared to 72 in 2003, this represents a 20% increase in calls for service. Additionally, they responded to another 175 calls for service within their primary service area. These teams also were requested 43 times by the Secret Service to provide bomb sweeps for the numerous political visits in 2004, all which were not reimbursable by the state. Below you will find a breakdown of state reimbursed responses by each agency.

- Bloomington Police Department 27 responses
- Crow Wing County Sheriffs Office and Brainerd Police Department 11 responses
- Minneapolis Police Department 25 responses
- St. Paul Police Department 27 responses

Funding to reimburse the Bomb Squads for response outside of their jurisdiction has not kept pace with the requests for service over the past few years. The current number of responses continues to exceed the funding available to reimburse all of their out of jurisdiction responses.

H. The Minnesota Incident Management System (MIMS) is utilized by state agencies and many local jurisdictions when responding to any size or variety of incident. MIMS is a management tool, which uses a unified command structure to coordinate the many aspects of a response. Agencies trained in MIMS 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 MIMS 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. In 2005 this course will be updated to be in line with the National Incident Management System.

I. Minnesota Pollution Control Agency (MPCA)

MPCA's Emergency Response Team consists of approximately 10.5 FTE of highly trained and experienced staff. They are stationed in the Metro District and in five sub-district offices around the state. One emergency responder is on-call during all evening and weekend hours, available through the Minnesota Duty Officer. During calendar year 2004, the Minnesota Duty Officer reported more than 1,900 spill and emergency incidents to the MPCA. The number of reported incidents may be leveling off after many years of gradual rise. M.S.115.061 requires that spills be reported to the MPCA.

During the past year the MPCA has devoted approximately 2 FTE for terrorism response. MPCA's primary role in terrorism and disaster response is planning for debris management and debris decontamination, disinfection, and disposal. MPCA has also prepared for supporting terrorism response in a variety of logistical, preventative, preparedness, informational and support roles. In a similar fashion, MPCA has provided extensive planning and leadership for animal disease epidemic preparedness, particularly in the questions of carcass disposal in Foot and Mouth Disease and Chronic Wasting disease cases.

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

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

MPCA's emergency responders are fully authorized by the MPCA Contingency Plan to carry out emergency actions around the clock. Included is access to emergency funds of the state "Superfund" and "Petro Fund" to activate contractors when necessary. Recovery of costs from responsible parties is attempted when those public funds are used.

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 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.

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.

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

The Mn/DOT Abandoned Container Program continues to investigate and remediate illegal dumping of hazardous materials containers on state highway right-of-ways, and to assist local governments in dealing with abandonment. Hazardous materials dumping near critical facilities is a security issue, and OFCVO staff provide training to state and local government personnel about the hazards presented by abandoned hazardous materials, security implications of dumping at some sites, and methods for dealing with the materials. Hazardous Materials Specialists from OFCVO provided training for response to abandoned containers to Mn/DOT triage officers, Adopt a Highway staff, county highway departments and police agencies in 2004.

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). Hazardous materials specialists from OFCVO serve on Mn/DOT's Security and Emergency Response Team, and are providing hazardous materials transportation security training to the trucking and shipping industry and law enforcement agencies. Staff from OFCVO is active in enforcing the newly mandated federal hazardous materials transportation security regulations. Security Review inspections are being conducted to assure that hazardous materials shippers and transporters have completed and implemented federally required transportation security plans.

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

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

OFCVO hazardous materials specialists continue to offer Hazardous Materials 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 has been revised to include additional information about nuclear, biological, chemical terrorism, and tips for local law enforcement to evaluate hazardous materials shipper and transporter compliance with existing requirements.

K. Minnesota Department of Agriculture (MDA)

The MDA Emergency Response Program began in 1990. Currently, the program consists of a metro four-person on-call team and a regional Agricultural Chemical Investigator team that work on a 24/7 basis. Together they provide emergency response guidance and oversight to local jurisdictions experiencing agricultural chemical incidents. Minnesota statutes Chapter 18D.103 requires that agricultural chemical incidents be reported to the MDA. The on-call team also receives Duty Officer report notifications for several other MDA divisions as well as the MN Board of Animal Health (BAH).

In 2004, the MDA continued its approach to all hazard preparedness by permanently filling the position of department all hazard Planner. This position was created to coordinate emergency preparedness and response readiness, capabilities, and efficiencies across all divisions and program areas within the MDA. Since September 2001, counter-terrorism preparedness and response activities were assigned to this position as well. This resulted in a vacancy in the Agronomy and Plant Protection Division (APPD) Incident Response Unit Emergency Spill Response Program leaving only 1 FTE to perform the majority of the day-to-day response activities of approximately 140 agricultural chemical spills reported annually.

The MDA continues to receive notifications of anhydrous ammonia (AA) theft and/or the tampering of AA equipment. AA is used as a precursor for illegal methamphetamine production. MDA staff responds to all such reports offering proactive steps to the agricultural chemical industry to help reduce this threat.

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

The MDA Emergency Response Program remains committed to preserving the core responsibilities of agricultural chemical emergency preparedness and response and protection of the state's food production environment – from the farm to the table. MDA is also committed to addressing the new responsibilities in counter-terrorism preparedness and response, despite current budget constraints and the recent reduction in resources available to the Emergency Response Program.