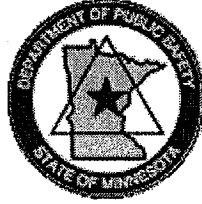


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**Minnesota Department of Public Safety
Division of Homeland Security and Emergency Management**

**2005 Annual Report to the Legislature
M.S. 115 E.08, Subd.4
January 9, 2006**

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



Background

The Commissioner of the Department of Public Safety is charged with the coordination of the hazardous materials state agency response in Minnesota by authority of M.S. 115 E.01 through 115.E.09. This statute also requires an annual report to the appropriate committees of the legislature about the readiness of state government to properly respond to discharges of oil or hazardous substances.

Introduction

The Department of Public Safety, division of Homeland Security and Emergency Management (HSEM) coordinates the emergency preparedness of state agencies to respond to discharges of oil and hazardous substances. The division continues its on-call staffing ability and maintains the hazardous materials response teams. The Hazardous Materials Response Team Program is designed to assist local authorities by providing technical guidance to incident commanders, and recommending mitigation measures necessary to protect life, property and the environment 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 local authorities. The staff is trained to the Specialist level in hazardous materials response capability, and staff members carry response equipment in their vehicles. The on-call staff provides technical guidance and expertise to local officials during emergencies and assists them with determining what resources and services may be needed to manage the incident.

The Chemical Assessment Teams (CAT) are currently composed of a minimum of nine trained personnel; one specialist and two technicians must be available for a response at all times. The teams responded to 257 requests for service within their jurisdictions during calendar year 2005, a 113 percent increase from the previous year. CAT Teams responded to 7 state responses outside their respective jurisdictions. The 7 state responses was a significant reduction from the previous year of 19 in 2004.

The state was able to provide a new truck and trailer to each of the CAT Teams. The new truck allows for more equipment storage and a more effective tow vehicle for the trailers. Funding for this initiative was possible through federal homeland security allocations.

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.

- B. **Emergency Response Team (ERT)** The Emergency Response Team is composed of a minimum of thirty trained personnel; four specialists, four technicians, and one medical support officer must be available for a response at all times. ERT's can also serve as Chemical Assessment Teams (CAT). When operating as a CAT the ERT will respond with up to four personnel and adhere to CAT response protocols. There is one ERT for statewide response.
- C. **The Minnesota Emergency Preparedness and Response Committee** Is facilitated by the Division of Homeland Security and Emergency Management. The Committee meets on a quarterly-basis (or as needed) to share information and discuss topics of common interest as they pertain to homeland security and emergency management preparedness. The Committee consists of one member from each of the state agencies and divisions identified in *Governor's Executive Order 04-04: Assigning Emergency Responsibilities to State Agencies*. The Committee serves HSEM as an important conduit toward providing state agencies and divisions the guidance needed to enhance their (state government's) ability to provide support and resources to local jurisdictions during an emergency or disaster. Amongst the many homeland security and emergency management initiatives state agencies and divisions are engaged in, the Committee also coordinates updates to the *Minnesota Emergency Operations Plan*.
- D. **The Minnesota Duty Officer (MDO)** program has proven to be a critical link in notifying state agencies of spills. The MDO is the 'hub' within the emergency management of cycle of mitigation, preparedness, response, and recovery. November 1 of this year the MDO Program moved from the Division of Homeland Security and Emergency Management to the Bureau of Criminal Apprehension. Incoming requests for assistance-ranging from air quality complaints to natural disasters to threats or acts of terrorism are all coordinated through the Duty Officers who assist the public and professional response agencies 24 hours a day, 7 days a week. During the 2005 calendar year, the Duty Officers processed approximately **11,720** incoming report calls, in turn making **19,149** outgoing notifications. These numbers only reflect activity resulting in a report being filed with the Duty Officer.

Breakdown of the incoming calls shows:

- a) 62% were informational inquiries.
- b) 22% were reporting spills.
- c) There were 19 calls to the Duty Officer of a suspected WMD event.

From the outgoing notification perspective:

- a) 62% were spill notifications.
- b) 26% were supplemental report calls.
- c) There were 63 outgoing notifications of a suspected WMD event.

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, and requests for the National Guard and/or Civil Air Patrol.

- E. **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.
- F. **Statewide Bomb Squad Response** capability is accomplished by four contractual agreements with four law enforcement agencies. These teams have responded to 279 incidents throughout the state with 120 of them being state dispatched. This is an increase of 244% over 2004, holding true to the trend of increased responses for these teams. Federal homeland security funding has been used to enhance the response capability of these teams. Some of the improvements made in 2004 included four new trucks to allow the squads to carry various pieces of detection equipment and personal protective equipment.
- G. **The Minnesota Incident Management System (MIMS)**
The National Incident Management System (NIMS), as mandated by the federal government, is utilized by all state agencies and local jurisdictions when responding to any size or variety of incident. This management system was adopted by Executive Order in 2005 and throughout the year all county governments have done the same. Minnesota has adapted NIMS into what is now called MnIMS. This renaming is a result of the national curriculum on NIMS not currently being fielded by the Department of Homeland Security in the level indicated, therefore the need to adapt NIMS to MnIMS. MnIMS is a management tool, which uses a unified command structure to coordinate the many aspects of a response. Agencies trained in MnIMS promote teamwork and allow various levels of government to work together without disrupting the local response structure. There continues to be high demand from a variety of response agencies and personnel for the MnIMS courses sponsored by HSEM. In a time of elevated and high terror alerts and universal budget cuts, state agencies and local jurisdictions having responsibilities during hazardous materials events recognize the need to share resources and standardize training. Partnerships with the Association of Minnesota Emergency Managers (AMEM) and others will continue to improve delivery of services to meet this demand.

H. Minnesota Pollution Control Agency

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 2005, the state Duty Officer reported more than 2,000 spill and emergency incidents to the MPCA. The number of reported incidents may be leveling off after many years of gradual rise. MN Statute section 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 roll in terror and disaster response is debris management and debris decontamination, disinfections, and disposal. Included were two contaminated debris management workshops presenting lessons from the Oklahoma City and New York City attacks, anthrax incidents, and potential chemical and radiological attacks. In addition, MPCA has worked closely with emergency managers and public works officials of the State's largest jurisdictions on helping them prepare for potential debris management from disaster in their areas. This has included training and field investigations of potential debris handling areas in each community. MPCA has 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 areas 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. Cashes 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.

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

The Office of Freight and Commercial Vehicle Operations (OFCVO), formerly Motor Carrier Services, has four hazardous materials transportation specialists who respond to hazardous materials transportation incidents, commercial vehicle accidents, homeland security related incidents, and abandonment of hazardous materials on public and private property. These on-scene response personnel are a critical element of the state response infrastructure due to their broad knowledge of hazardous materials transportation issues, including emergency response techniques, transportation security, and experience in dealing with illegal spills and abandonment.

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.

Hazmat 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.

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). In 2005, OFCVO Hazardous Materials Specialists received training and were certified to do Level 6 Radioactive Materials Transportation inspections. In addition, one Hazardous Materials Specialist and three other Mn/DOT staff members completed the Prevention and Response to Suicide Bombing Incidents performance course offered by the United States Department of Homeland Security.

Hazardous materials specialists from OFCVO serve on Mn/DOT's Security and Emergency Response Team, and are providing hazmat transportation security training to the trucking and shipping industry and law enforcement agencies. Staff from OFCVO is active in enforcing the newly mandated federal hazmat transportation security regulations. In 2005, seven companies in Minnesota were cited for transportation security plan violations.

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

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 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 has been revised to include additional information about NBC terrorism, and tips for local law enforcement to evaluate hazmat shipper and transporter compliance with existing requirements.

J. Minnesota Department of Agriculture

The state response to agricultural chemical incidents is the responsibility of the Incident Response Unit of the Minnesota Department of Agriculture (MDA). The program consists of a metro based four-person on-call team that is available to respond 24/7 to agricultural chemical incidents. The "response team" includes nine (9) regional Agricultural Chemical Investigation staff that can be dispatched to provide immediate emergency response guidance and oversight to local jurisdictions.

Because one-third of the reported spills involve the agricultural chemical anhydrous ammonia, the MDA has constructed and is currently promoting a web-site for those that prepare for or who will respond to any anhydrous ammonia release. At www.ammoniapills.org a first responder can find an answer to most any anhydrous ammonia question they may have.

The MDA continues to prepare for and to coordinate emergency preparedness and response readiness, capabilities, and efficiencies across all divisions and program areas. The MDA is training emergency responder staff in advanced Incident Command System to better coordinate all MDA responses.

Incident Response staff is 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.

Other hazardous material related responsibilities of the MDA include:

- Finding solutions for producers of ag commodities that do not have adequate safeguards for their storage of bulk agricultural chemicals.
- Rapid response and investigation of alleged agricultural chemical misuse.
- Levy fines to those that cause or threaten to cause environmental contamination/human exposure from their misuse or mishandling of agricultural chemicals.
- Sampling oversight of agriculture commodities and products in the event of radiological contamination.