



# MINNESOTA DEPARTMENT OF PUBLIC SAFETY

## 2020 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 2020, chapter 115E, require responsible parties to prevent, prepare for and respond to discharges of oil and hazardous materials. State agencies and departments also have responsibilities under this statute. The Department of Public Safety (DPS) commissioner coordinates state agency preparedness and response 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 fire departments and law enforcement authorities, other agencies, and the 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.

The SFMD has four fire service specialists who work with Minnesota fire departments to address issues and concerns. The SFMD also oversees the State Emergency Response Teams.

### **Bureau of Criminal Apprehension**

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.

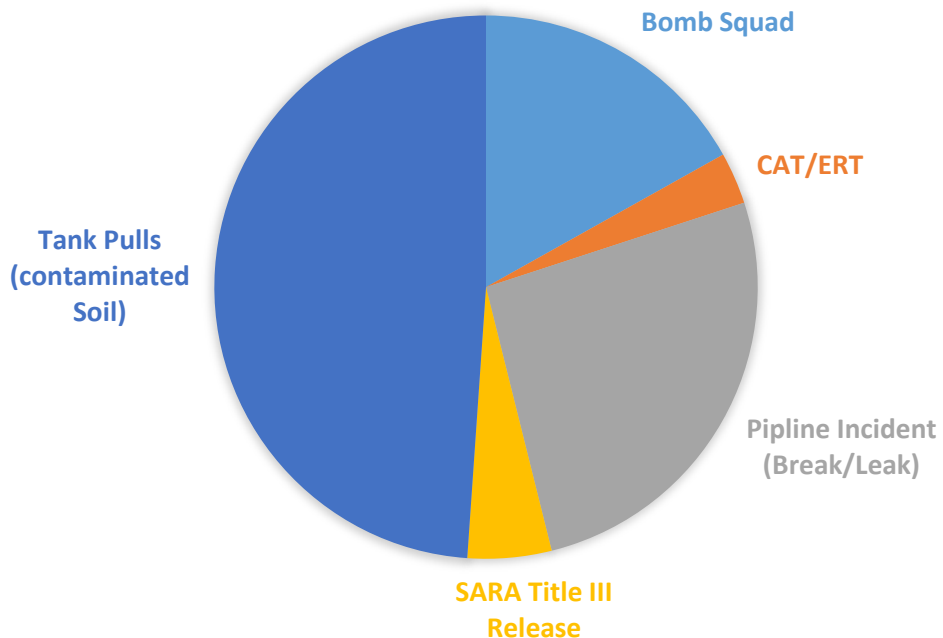
Incoming requests for assistance cover a broad range of topics, including environmental concerns, natural disasters and threats, or suspected acts of terrorism. The MDO operates 24 hours a day, seven days a week, coordinating assistance to local and tribal governments and professional response agencies. In 2020, 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 on the following pages).

**Figure 1**

Initiating call category	Initiating calls to MDO*	Resulting notifications/calls
Air Quality	187	761
Bomb Squad**	103	610
CAT/ERT**	20	268
Informational Call	2869	2512
Fishkill	89	431
FM Investigator	653	1637
Methamphetamine Lab	1	0
Mutual Aid	1	5
National Guard/CAP/Aircraft	14	58
Nuclear Plant / Accident	123	150
Pipeline Incident (Break/Leak)**	123	527
SARA Title III Release**	25	161
Search and Rescue	2	9
Spills	2089	9929
Supplemental	557	4544
Tank Pulls (Contaminated Soil)**	246	542
Waste Water Bypass	101	484
Weather Incident	61	99
WMD Threat**	1	7
Totals***	7,265	22,724

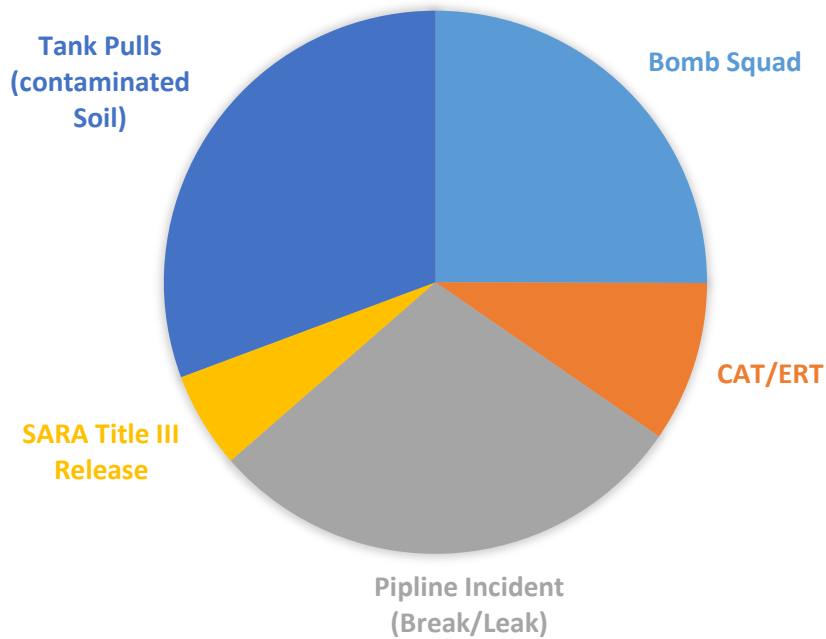
**Figure 2**

**INITIATING CALLS TO THE MINNESOTA DUTY OFFICER-  
STATE RESPONSE TEAMS**



**Figure 3**

**NOTIFICATIONS RESULTED FROM INITIATING CALL -  
STATE RESPONSE TEAMS**



\*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, 2020, through Oct. 31, 2020

## **Minnesota State Patrol**

The Minnesota State Patrol is routinely one of the first agencies to respond to an incident involving hazardous materials with commercial vehicles. This may occur on or near a highway where public protection is critical. The Commercial Vehicle Section of the State Patrol includes non-sworn 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, the Minnesota State Patrol's only explosives-detecting K-9 and handler are assigned to a trooper at the State Capitol.

## **State Emergency Response Teams**

### SFMD State Emergency Response Teams Coordinator

The SFMD coordinates all State Emergency Response Teams, response asset programs, and statutory requirements. The coordinator ensures the state of Minnesota, local and tribal governments have the capability to respond to and protect the public from an incident — accidental or intentional — that may involve hazardous materials, explosive devices, structural collapse and air rescue operations. The coordinator is a subject-matter expert with technical knowledge of the State Emergency Response Teams.

The coordinator manages operations of the statewide system of regional response teams: hazardous materials, chemical assessment, bomb disposal, structural collapse and air rescue. The coordinator provides 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 Teams

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 chemical assessment and emergency response teams, 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 Hazardous Materials Regional Response Team program continues to be an effective and efficient way to supplement local response capabilities.

The SFMD hazmat staff and state hazmat teams work with local jurisdictions on training and exercises. Training opportunities were limited in 2020 due to COVID-19 restrictions. In a typical year, SFM hazmat staff provide the following training:

- Rail and pipeline awareness
- Hazmat The First Hour
- Ethanol emergency response

- State teams and how to contact them
- Scenario-based and live exercises

State hazmat staff and the hazmat teams also work with the Minnesota National Guard 55<sup>th</sup> Civil Support Team (CST), state agencies and federal government agencies on training and exercises.

The state hazmat teams are working with military affairs staff at Camp Ripley as plans for construction of a new Joint Emergency Response Training Center (JERTC) begin in the spring of 2022. The facility will provide first responders from across the state with a location for live scenario-based rail, pipeline and hazardous materials surface transportation training. The JERTC will also include spaces for weapons of mass destruction and clandestine labs training.

Chemical Assessment Teams (CATs)

CATs comprise a minimum of nine trained personnel. One hazardous materials specialist and two technicians must be available to respond at all times. There were 17 assistance requests within the CATs’ respective jurisdictions this year. CATs also responded to 27 incidents that occurred outside of their respective jurisdictions during this reporting period.

SFMD on-call staff provided phone consultation in an additional 22 incidents and were on the scene of four 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).

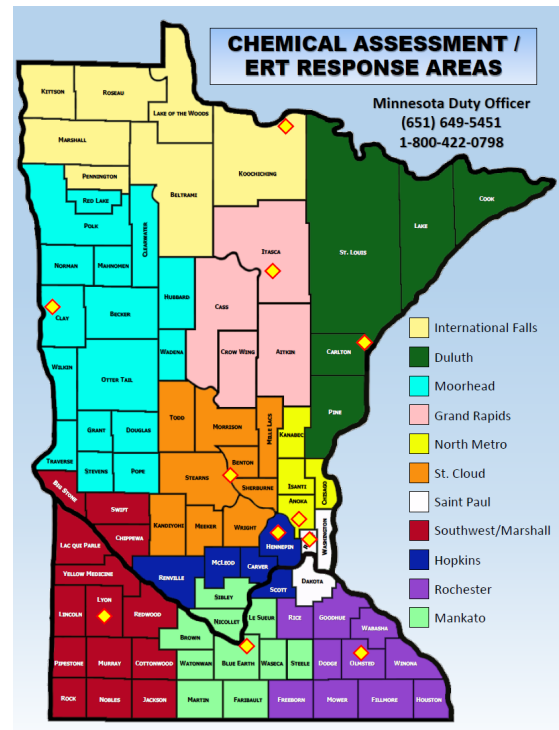
CATs cannot assume overall command of a local incident; they do not clean up or transport hazardous materials, mitigate explosive devices or clandestine drug labs, or respond to waste abandonment or abandoned barrel calls.

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)

An ERT — at the request of the incident commander — 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.



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. ERTs responded to two incidents that occurred outside of their respective jurisdictions during this reporting period.

Hazmat on-call staff, ERTs and a CAT assisted local authorities and incident command (IC) staff on the large fire in February at Northern Metal Recycling in Becker. Teams provided air monitoring around the incident and throughout the community. The hazmat on-call staff also consulted with the 55<sup>th</sup> CST on obtaining data to help the IC. As a result of the Becker incident, state agencies are developing procedures to facilitate better collaboration on similar large-scale emergencies in the future. A state agency air monitoring team is being created. The team will be available — along with along with state-of-the art sampling and monitoring equipment purchased using Fire Service Advisory Committee money — to respond to emergencies to quickly begin air monitoring and gathering samples.

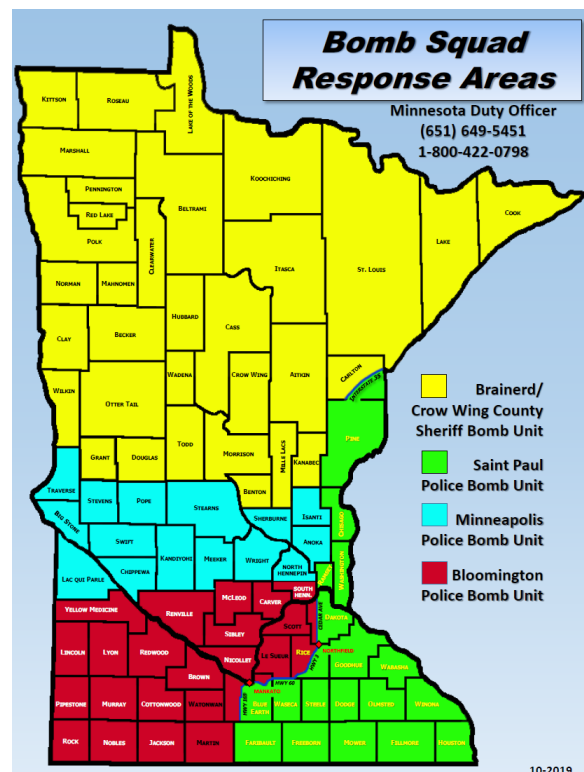
Hazmat on-call staff and many state hazmat teams assisted with decontamination at the Minneapolis Convention Center during the civil unrest in May following the death of George Floyd. State emergency response teams provided 24/7 coverage for seven days.

### 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 Saint Paul Police Department Bomb Squad is the only underwater bomb disposal unit in Minnesota and is considered a regional team.

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 2020, the MDO received and dispatched these teams to 103 incidents throughout the state.



### **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.

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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 55th CST; and the departments of Agriculture; Health; Labor and Industry; Natural Resources; Public Safety; and Transportation.

#### 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.

## **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 11 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 113 agricultural chemical spills in 2020, 27 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 and 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. The MDA partnered with 13 different sponsors to offer 103 workshops in 2020.
- 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 2020, they conducted 70 inspections and 27 investigations.
- Due to COVID-19, three of the five scheduled anhydrous ammonia safety workshops were provided to the regulated community, emergency responders, insurance and safety representatives, and agricultural college students in 2020. They provided five workshops in 2019.

## **Minnesota Pollution Control Agency**

The Minnesota Pollution Control Agency (MPCA) is one of three agencies with primary responsibilities for environmental hazard response duties under the Minnesota Emergency Operations Plan (MEOP). The MPCA's emergency response program consists of seven experienced and trained response staff in Brainerd, Duluth, Marshall, Rochester and St. Paul and one senior technical staff located in St. Paul. One responder is on-call and available during all evening and weekend hours covering the entire state.

During fiscal year 2020, the MPCA's Readiness Section adjusted to the consolidation of preparedness programs, the reassignment to the Operations Division and the state's response to COVID-19. The MPCA strives to improve and an all hazard planner position was established and filled to improve the agency's internal preparedness for environmental emergencies. Reporting to the Commissioner's Office directly was reassigned, the section now resides in the Operations Division. Internal preparedness continues to be disrupted, and progress is slow.

Through the MDO program, the MPCA receive the following types of reports:

- 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 2020, MPCA received approximately 2,900 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 1,900 of the 2,900 incidents received. The program works collaboratively and cooperatively with emergency responders from federal, state, tribal, county and local units of government on assessing and overseeing these cleanups. MPCA's 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 assessment, sampling, and clean up. Often times, the ER program coordinates multiple MPCA programs that have interest or regulatory authority at the facility or incident.

On Feb. 18, 2020, MPCA received a notification of a major fire at a regulated scrap car/metal processing facility. MPCA responded to the scene, collected air samples, provided support to the local officials and provided oversight of the responsible party's response. However, expectations

and communications were problematic during the incident and there was a lack of ready resources to monitor the community air impacts. MPCA was not prepared to respond and support this type of incident.

After conducting an internal review of our response, the MPCA formed a workgroup charged with improving the agency's response to future significant air releases. There is a significant gap in planning for these infrequent incidents. Additionally, MPCA and DPS are collaborating on possible improvements.

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; troubleshooting 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. 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. 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. When this statute was created, it was without funding for implementation. In 2014, amendments were added and funding was provided for one FTE for MPCA. This funding allowed for implementation of only the railroad preparedness requirements.

Railroads operating unit trains of petroleum or hazardous substances have additional preparedness requirements that MPCA is responsible for overseeing. Additionally, MPCA has numerous specific duties and responsibilities under the statute. Unfortunately, MPCA staff funding will end after FY22. If there is no legislation for funding this work, MPCA will minimize efforts to meet our assigned responsibilities. In FY 2020, MPCA performed the following tasks related to those requirements:

- Conducted two equipment drills with two railroad companies that operate unit trains. The purpose of the drill was to improve ethanol spill preparedness and response on surface waters.
- Conducted two fire department trainings.
- Participated in quarterly meetings organized by SFMD for the State Hazmat Responders Group.

MPCA provides oil spill response training to fire departments throughout the state as requested. We offer 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 two fire department trainings in FY20.

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:

- Red Wing Community Awareness and Emergency Response (CAER) Organization
- Wakota CAER in Washington and Dakota counties
- 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
- Upper Mississippi River Basin Association Spills Group
- EPA Region V Regional Response Team
- United States Environmental Protection Agency (EPA) Siouxland, Red River and Twin Cities sub-area committees

United States Coast Guard Western Lake Superior Port Area Committee 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) responds 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 hired a third person who is currently being trained to join the on call rotation.

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.

One of MnDOT's three hazardous materials specialists is 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.

## **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. Looking toward the future, funding will be a significant area of focus. Funds from the 2017, assessment to railroad and pipeline companies will be completely depleted and additional funding sources will need to be secured for staff, on-going training, operational costs, and support of state response teams.