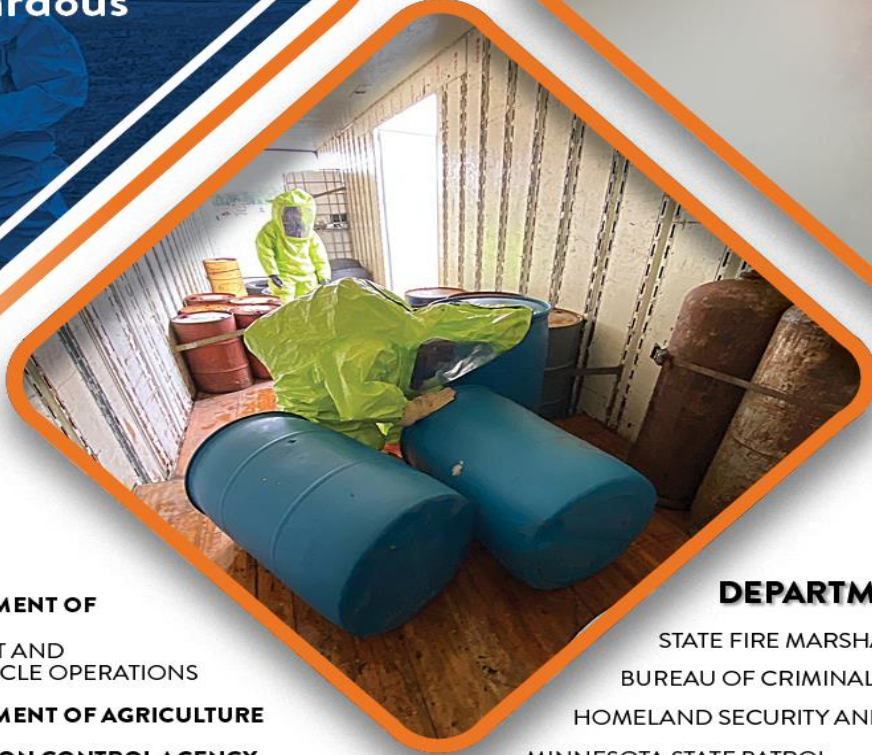


The readiness
of state government
to respond to discharges
of oil or hazardous
substances



**MINNESOTA
DEPARTMENT OF PUBLIC SAFETY**

STATE FIRE MARSHAL
BUREAU OF CRIMINAL APPREHENSION
HOMELAND SECURITY AND EMERGENCY MANAGEMENT
MINNESOTA STATE PATROL

MINNESOTA DEPARTMENT OF
TRANSPORTATION
OFFICE OF FREIGHT AND
COMMERCIAL VEHICLE OPERATIONS
MINNESOTA DEPARTMENT OF AGRICULTURE
MINNESOTA POLLUTION CONTROL AGENCY

2023 ANNUAL REPORT

TO THE LEGISLATURE

Introduction and Background

Minnesota Statute 115E requires responsible parties to prevent, prepare for and respond to discharges of oil and hazardous materials. State agencies 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 (SFM).

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

The following departments have responsibility for carrying out the specified duties and authorities of Chapter 115E and 299A Minnesota Statutes:

Designated Departments and Responsibilities:

- **Department of Agriculture:** Responsible for matters related to agricultural chemicals.
- **Department of Public Safety:** Holds responsibilities for public safety and the protection of property.
- **Department of Transportation:** Manages transportation regulations pertinent to Chapter 115E on any Minnesota roadway.
- **Minnesota Pollution Control Agency (MPCA):** Handles all other matters related to Chapter 115E, highlighting its role as a comprehensive regulatory body in environmental protection.

Chapter 115E establishes a legal framework outlining the responsibilities of both responsible parties and state agencies in preventing, preparing for, and responding to discharges of oil and hazardous materials. The coordination of efforts among various departments underscores the importance of a collaborative and multi-agency approach to environmental protection in the state of Minnesota. The reporting requirement adds a layer of accountability, ensuring that the state's readiness is regularly accessed and communicated to the appropriate legislative bodies.

This report details how each State agency has worked to support and improve the state of readiness to an oil or hazardous materials incident throughout 2023. Additionally, any identified areas for improvement are included with this report. A new addition to this report is a summary of the after-incident review of an actual incident that occurred in 2023, the train derailment in Raymond, MN. After-incident reviews allow for assessment and evaluation of operational readiness and identify any areas for improvement or deficiencies.

Executive Summary

This report, prepared in accordance with MN Statute 115E.08, Subdivision 4, details the state government's (State) readiness to appropriately respond to an oil or hazardous materials discharge. Multiple agencies coordinate the State's ability to respond, including Department of Public Safety (DPS), Minnesota Pollution Control Agency (MPCA), Department of Agriculture (MDA) and Department of Transportation (MnDOT). Each agency supports the state of readiness according to their statutes and through their respective industry and local partners.

The State prepares for response to an oil and hazardous materials discharge through proactive inspections of commercial vehicles and regulated facilities, appropriate staffing levels at the agencies responsible for response, funding of state emergency response teams, proper equipment to be used by the state emergency response teams, training for local emergency responders, training for agricultural chemical applicators and mitigation/clean-up efforts.

Each agency supports the readiness of the State through staffing in field and/or home offices across Minnesota, plus the 11 hazardous materials response teams. The Minnesota Duty Officer (MDO) serves as a critical point in the state of readiness as the centralized notification point and provides timely communication and coordination among the various agencies.

Training activities in 2023 include 48 agricultural chemical applicator workshops attended by 4,273 participants, 20 exercises and training sessions with multiple agencies and rail or pipeline industry partners and multiple training sessions for 151 participants at the newly established Joint Emergency Response Training Center (JERTC). Many of those trained at the JERTC in 2023 are members of a state emergency response team.

There were approximately 2,815 incidents involving hazardous materials or oil release or spill in 2023, including 39 large, complex incidents requiring a significant response. A major incident from 2023 was the train derailment in Raymond. The MPCA brought in mitigation/clean-up contractors on 34 incidents, at a cost of over \$2 million.

Challenges in communication and the need for consistent response across Minnesota are identified as areas for improvement. Even with the identified challenges, the state of readiness for the State's response to an oil or hazardous materials discharge is robust due to the great collaboration between agencies in the planning, preparation and response. Coordination between public safety, transportation, pollution control and agriculture create a system to address the concerns to health, wellness, community vitality and environmental impacts.

Incident Response Summary

Raymond, MN Train derailment

On March 30, 2023, at about 12:58 a.m. local time, a northbound BNSF Railway (BNSF) freight train derailed 23 mixed freight railcars in Raymond, Minnesota. The train included 14 hazardous materials tank cars, 10 of which derailed. The derailed tank cars contained approximately 28,900 gallons of denatured ethanol, which based on the examinations of National Transportation Safety Board (NTSB) five rail cars released ethanol through punctures and ignited. Visibility conditions at the time of the derailment were dark and clear; the weather was 3°F with no precipitation. The incident commander implemented a precautionary 1/2-mile evacuation radius, affecting about 800 residents.

Immediately local emergency responders assembled in Raymond, including the Raymond FD, Kandiyohi Sheriff and emergency manager, and the Willmar Hazardous Material team, amongst other local mutual aid partners. Additionally, the BNSF Dangerous Good Officer was notified and enroute to the scene.

At approximately 2:30 a.m., the MN State Duty Officer (DO) sent out a page to the State Fire Marshal (SFM), implementing plans.

SFM was requested to help implement the intrastate mutual aid for water tenders and on-scene incident support for incident command. Local mutual aid for Raymond Fire Department and Kandiyohi County had been already used, and the concern was more water would be needed long term. The Raymond Incident Commander (IC) requested support from the Willmar Fire Department for their hazardous material support.

The incident commander received support for the implementation of the statewide fire mutual aid program, requesting local and regional fire department equipment and firefighters. SFM staff worked close with the Minnesota State Fire Chiefs Association to implement the plan. The incident received hazardous material support through Raymond's Mutual Aid partner from Willmar, Minnesota and Railroad Hazardous Material response team.

Due to the nature of the release, a half-mile radius around the derailment was evacuated and both fixed and roving air monitoring equipment were set up to determine the risk levels in the air. By 11:00am the evacuation was lifted due to the lack of contaminants detected in the air monitoring equipment throughout the town and surrounding areas.

State agency staff assisted the incident commander and county emergency manager with establishment of unified command in the form of a Joint Information Center. Additional support was provided for public information (PIO) and communication to elected officials and State agency leadership. Partner agencies include MPCA, EPA, HSEM and BNSF.

The fire was extinguished on the morning of March 31, 2023. BNSF estimated damages to equipment and track infrastructure to be about \$1.9 million. The coordinated efforts from the local fire departments, BNSF, SFM, federal, and state agencies made this incident a success in preventing injuries or fatalities. Continued coordination between the railroads and SFM, HSEM and MPCA, will

continue to provide first responders with the needed safety, mitigation, and training to be prepared in the event of a derailment in their community.

Mitigation and clean-up efforts were coordinated by the MPCA and the rail operator (BNSF). The mitigation plan included sampling of soils and groundwater to determine the extent of the spill and clean-up necessary. The initial investigation results indicated elevated levels of benzene, toluene, and ethanol in the groundwater and elevated levels of benzene and toluene in the soil. Clean-up was performed by clean-up contractors brought by BNSF. A soil excavation plan was drafted by BNSF, approved by the unified command, and excavation began at 4:45 am on March 31. The majority of ethanol impacted soils were removed.

The MPCA subsequently determined further monitoring was required due to high levels of benzene present at the site. Five permanent monitoring wells were installed to monitor groundwater impacts. These permanent wells showed higher levels of benzene than were previously reported in the temporary monitoring wells and indicated the groundwater is slowly moving towards nearby Hawk Creek. Most impacts related to the derailment are currently contained within the immediate vicinity of the initial release area. Continued monitoring will be completed by BNSF for at least three additional quarters, extending into April 2024. The MPCA will reassess the site following the completion of four quarters of monitoring and determine next steps regarding potential remediation and/or further monitoring of the site.

Minnesota Department of Public Safety

Minnesota State Fire Marshal Division

The mission of the Minnesota Department of Public Safety State Fire Marshal division (SFM) is dedicated to protecting lives and property by strengthening Minnesota fire-safe environments by providing statewide leadership and guidance in support of fire and life safety policy, enforcement, prevention, and education.

The State Fire Marshal (SFM) division supports local fire 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, hotels/motels and health care facilities.
- Development and adoption of state fire code.
- Supports the Minnesota fire service through partnerships and collaboration.
- Manages state emergency response teams across the state.
- SFM collects and maintains fire incident data and uses it to strengthen our state fire code, our code enforcement and our fire safety education programs.

The SFM supports Minnesota's readiness to respond to discharges of oil or hazardous substances through fire code enforcement, prevention education, and management and training of state emergency response teams. SFM plays a crucial role in ensuring that the state, local, and tribal

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governments are well-prepared for any incidents involving hazardous materials, explosive devices, structural collapse, and air rescue operations.

Key points of SFM management and training of state emergency response teams include:

1. Overseeing the statewide system of regional response teams, including those specializing in hazardous materials, bomb disposal, structural collapse, and air rescue.
2. Supporting the training of subject-matter experts with technical knowledge related to special response teams. Provide guidance to local and state responders to help them plan, train, and prepare for all hazards, including terrorist threats.
3. Actively engaging in training and exercises of local first response agencies.
4. Collaboration with federal and local partners: Participating in exercises with the 55th CST/FBI and local Hazardous Materials Response Teams (HMRTs). This collaboration enhances responder skills and strengthens partnerships with state, federal, and local agencies in responding to Weapons of Mass Destruction (WMD) events.
5. In coordination with the eleven tribal nations in Minnesota, SFM held three meetings with tribal leaders to ensure that emergency responses in sovereign tribal areas are well-coordinated with tribal emergency managers and officials.
6. Incident Management: The division plays a key role in supporting a swift and effective response to emergencies, assisting local agencies with tools necessary to implement a comprehensive incident management system.

State Emergency Response Teams (SERT)

State Emergency Response Teams (SERTs) are multi-disciplinary teams composed of experts in various fields related to hazardous materials release, explosive device and/or chemicals, air rescue, urban search and rescue, structural collapse, and WMD response. The SERTs receive funding from DPS and are managed by the SFM.

Some functions performed by the emergency response teams include:

1. Emergency Response: SERTs respond to ensure that resources are provided to any agency having an emergency.
2. Training and Exercises: SERTs typically conduct training exercises and drills to prepare emergency responders and other stakeholders for different types of emergencies. This includes training related to oil and hazardous materials, interoperability, incident response, and specialized skills.
3. Analysis: If the state emergency response teams are involved, the coordinators and SERTS are required under statute to gather stakeholder input for an after-action report.
4. Communication: Effective communication is crucial during emergencies. SERTs play a role in communication interoperability between the special team and the incident commander.

Hazardous Materials Response Teams (HMRT's)

SFM manages and oversees the hazardous materials response teams falls under Minnesota Rule 7514 which consists of 11 teams to assist local authorities by providing technical guidance to incident commanders and recommending mitigation measures to protect life, property, and the environment. The 11 HMRT's are strategically located throughout the state to provide timely response to incidents in their assigned area. Each HMRT has staffing and equipment to support identified risks within their assigned area.

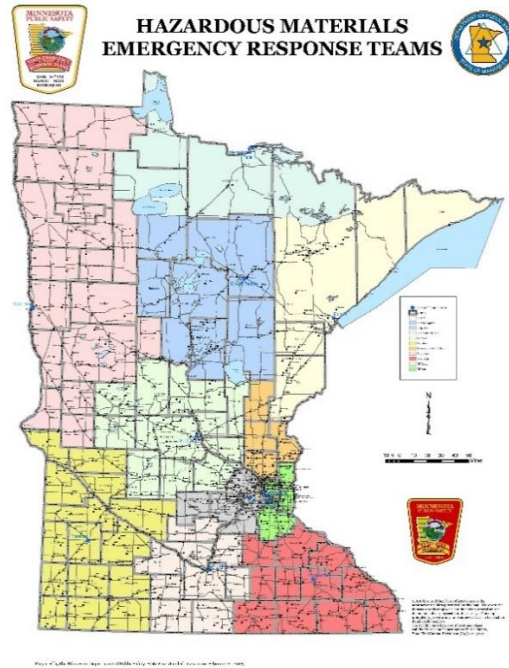


Figure 5: Map of Hazardous Materials Response Teams

In addition to the eleven hazardous materials response teams, six SFM on-call staff members are trained in compliance with National Fire Protection Association standard 472. The teams and on-call staff are available 24 hours a day, seven days a week. Local authorities request assistance via the MDO.

HMRTs offer local incident commanders technical support and monitoring, demonstrating their expertise in handling hazardous material incidents. HMRT members undergo training in accordance with OSHA and National Fire Protection Association competencies. Team members also participate in specialized training related to surface transportation of oil and hazardous materials, biological threats, weapons of mass destruction, all hazard incident command, and specialty EMS training for hazardous materials and biological threats. They are equipped with specialized equipment and reference materials to enhance their response capabilities. Many municipal fire departments do not maintain local hazardous materials teams and rely on HMRTs for technical information and simple mitigation guidance.

The Hazardous Materials Regional Response Teams have proven to be effective and efficient in supplementing local response capabilities. The SFM and state hazmat teams work with local authorities to develop training and design exercises. SFM, in cooperation with Minneapolis Fire and state hazmat teams, completed a full-scale hazmat train derailment training exercise in June 2023. The exercise took place after six months of planning. It involved multiple local, state, and federal

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agencies making the exercise successful. SFM continue to work with local, state, tribal, and federal partners to provide training and exercises across Minnesota.

HMRT Range of Responsibilities

HMRTs have well-defined incident scene responsibilities, including hazard assessment, technical assistance, simple mitigation, and basic decontamination. They can perform tasks such as product sampling, identifying unknown substances, air monitoring, plume projection, evacuation, sheltering recommendations, over-packing, containment, and collecting non-evidentiary samples.

Limitations with HMRT

It is highlighted that a responsible party bears most of the HMRT's response costs. This underscores a principle of accountability in managing incidents involving hazardous materials. Should a responsible party not be identified, an established fund is utilized for cost recovery of all team expenditures under Statute 299A.

Ensuring Future Stability for HMRT

Staying compliant with ever-evolving environmental and safety regulations is a constant concern for hazmat teams. HMRTs require a significant investment of state and local resources. Current resources related to funding, equipment, and personnel have been sufficient to ensure the teams are trained, equipped, and prepared. It remains critical to ensure adequate funding is available, so resources are secured in the future for responding effectively to incidents.

Equipment: Hazmat incidents can involve complex and evolving hazards. Staying abreast of the latest technologies for detection, identification, and mitigation can be a constant challenge. Hazmat equipment is costly and requires subscriptions, fees, and maintenance agreements to keep chemical libraries up-to-date and equipment in order.

Training: Properly training hazmat personnel is essential but can be time-consuming and expensive. Keeping up with the latest training methodologies and ensuring that team members are proficient in handling diverse hazardous materials is an ongoing challenge.

Staying compliant with ever-evolving environmental and safety regulations is a constant concern for hazmat teams. This includes understanding and adhering to local, state, tribal, and federal regulations governing the handling and transporting hazardous materials.

Bureau of Criminal Apprehension

The Bureau of Criminal Apprehension, a division of DPS, maintains the Minnesota Duty Officer (MDO) Program. The Minnesota Duty Officer Program provides a single answering point for local and state agencies to request state-level assistance for emergencies, serious accidents or incidents, or for reporting hazardous materials and petroleum spills.

Incoming requests for assistance cover a broad range of topics, including environmental concerns, natural disasters and threats, and 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. The MDO has proven to be a critical statewide link in notifying state agencies of hazardous materials spills and releases.

Minnesota State Patrol

The Minnesota State Patrol is a DPS division. Minnesota State Patrol is routinely one of the first agencies to respond to an incident involving hazardous materials with commercial vehicles. These incidents might occur on or near a highway where public protection is critical. The Commercial Vehicle section includes non-sworn inspectors and state troopers who inspect commercial vehicles involved in crashes while transporting hazardous materials. The inspections help identify regulation violations and factors contributing to the crash. The inspectors are trained in proper hazardous materials packaging and cargo tanker operations. Information discovered during an inspection can result in criminal charges or be referred to other state or federal agencies for further investigation.

Two trained inspectors conduct Commercial Vehicle Safety Alliance (CVSA) Level VI radioactive inspections on vehicles transporting high-level radioactive shipments. These loads must be inspected when originating in Minnesota or entering Minnesota from Canada.

Minnesota State Patrol has a hazardous materials decontamination trailer that can be deployed anywhere in the state. In addition, an explosives-detecting K-9 and handler are assigned to a trooper on duty at the State Capitol.

DPS Divisional Responses and Activities 2023

HMRT Responses

The SFM on-call staff played a crucial role by providing phone consultations in 27 incidents, canceled en route to 6 calls, and arriving on-scene at 4 incidents. SFM staff were also a part of 7 HMRT/55th CST exercises with local communities around the state.

In 2023, the states hazardous materials team responded to **60** incidents involving hazardous materials. Of these calls, **35** calls were within their home jurisdictions.

MDO Calls/Notifications 2023

| Call Type/Category | Calls to MDO* | Notifications/Calls |
|-----------------------------------|---------------|---------------------|
| Air Quality | 157 | 933 |
| Bomb Squad** | 128 | 846 |
| CAT/ERT** | 50 | 511 |
| Informational Call | 2894 | 1741 |
| Fishkill | 405 | 2347 |
| FM Investigator | 854 | 2988 |
| Methamphetamine Lab | 0 | 0 |
| Mutual Aid | 11 | 77 |
| National Guard/CAP/Aircraft | 4 | 27 |
| Nuclear Plant / Accident | 97 | 51 |
| Pipeline Incident (Break/Leak) ** | 91 | 422 |
| SARA Title III Release** | 19 | 137 |
| Search and Rescue | 11 | 85 |
| Spills | 2688 | 17821 |
| Supplemental | 612 | 6204 |
| Tank Pulls (Contaminated Soil) ** | 220 | 754 |
| Wastewater Bypass | 134 | 888 |
| Weather Incident | 71 | 71 |
| WMD Threat** | 0 | 0 |
| Totals*** | 8446 | 35903 |

Figure 1: Breakdown of calls received and dispatched by the MDO in 2023

*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, 2023, through Dec. 31, 2023

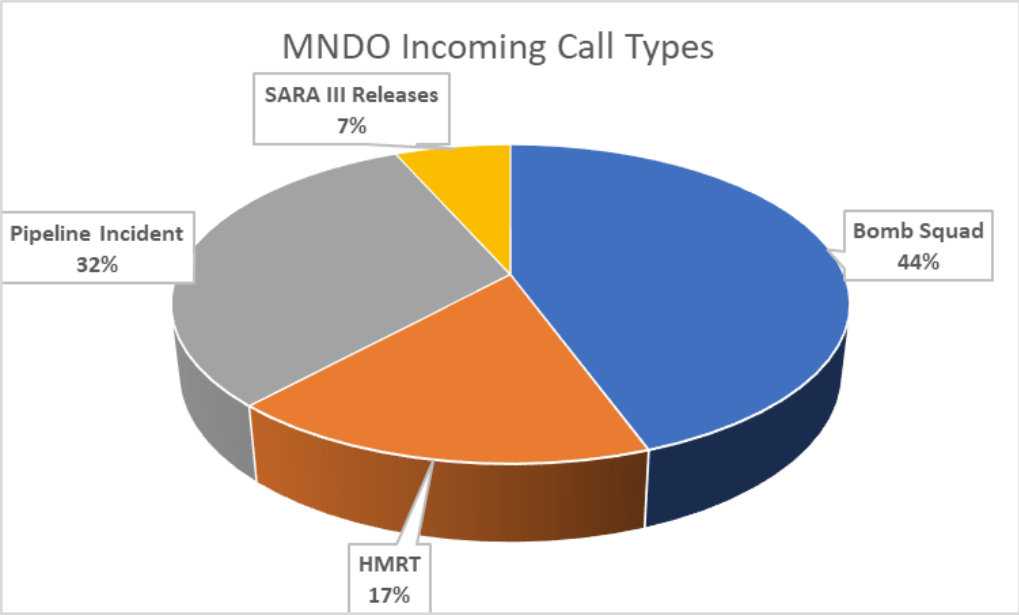


Figure 2: Chart of calls to MDO in 2023

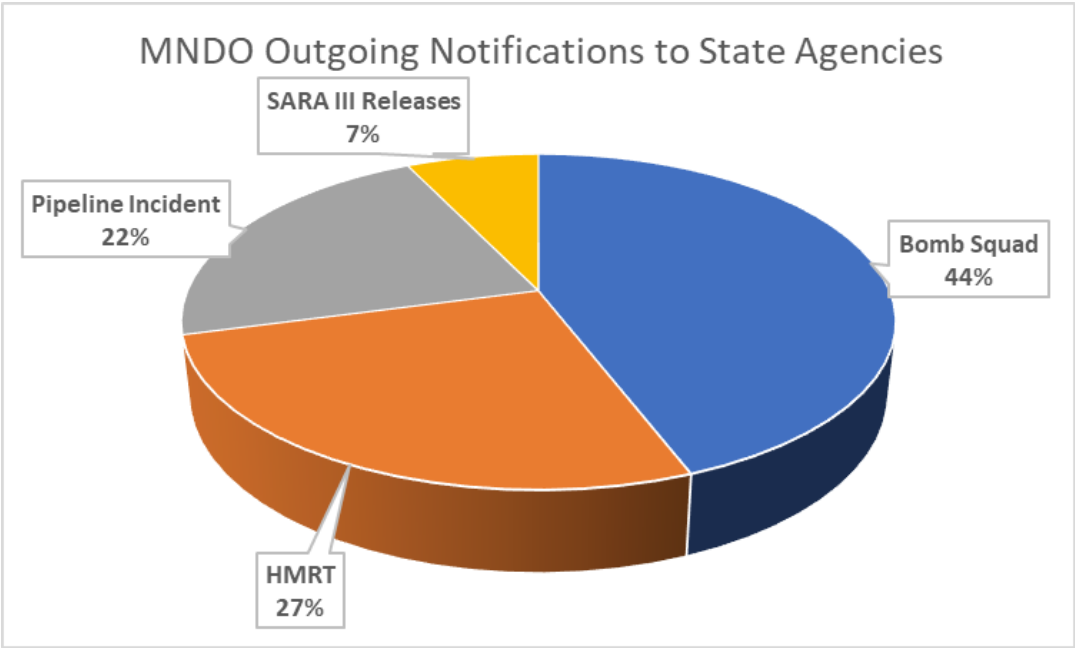


Figure 3: Chart of total outgoing notifications to state agencies.

Minnesota Department of Agriculture

Capabilities and Responsibilities

The Minnesota Department of Agriculture (MDA) is the lead state agency accountable for responding to agricultural chemical incidents. The MDA Agricultural Chemical Emergency Response Program is housed in the Pesticide and Fertilizer Management division (PFMD) and 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. On-call team members are lead workers in related MDA programs of long-term incident remediation, pesticide and fertilizer misuse, and anhydrous ammonia use and storage.

The Agricultural Chemical Emergency Response program is augmented by 10 regional MDA agricultural chemical investigators and three specialized anhydrous ammonia inspection staff located throughout Minnesota. Inspection field staff can be dispatched by an on-call team member to provide a rapid on-site presence, emergency response support, and oversight for environmental cleanup.

The on-call team debriefs team members and management on agricultural chemical incidents. Debriefing ensures an improved response, providing high-quality service to Minnesotans. In the event a responsible party is not able to be identified or is unwilling or unable to respond to an incident, on-call staff have the authority, under Minnesota Statute Chapter 115B, to dispatch an emergency response contractor and initiate cost recovery and enforcement actions against the responsible party.

Response, Compliance and Training Activities

PFMD emphasizes emergency preparedness statewide by offering spill prevention and response training for new pesticide applicators and pesticide recertification workshops. The MDA partnered with UMN Extension and 11 different sponsors to offer **48** workshops with a total of 4,273 participants in 2023. Additionally, compliance assistance with agricultural chemical facilities on Incident Response Plans (IRP) includes guidance on clarified IRP maintenance, employee training, and first responder notification, as well as spill prevention and preparedness outreach to agricultural chemical users, dealers, manufacturers, and safety officers. In 2023, **39%** of inspected facilities had at least one documented violation related to their response plan, with **24%** having multiple violations. The MDA will continue to work with our UMN Extension partners for enhanced training on IRP creation and continued compliance as required within MS 18B.37

In 2023 the MDA's Anhydrous Ammonia (NH₃) program conducted inspections at approximately one-third of the permitted anhydrous ammonia bulk permitted facilities. Information and outreach are provided to all facilities prior to inspections that include links to MDA videos on how to inspect NH₃ bulk storage tanks and equipment, a summary of commonly found violations, and inspection checklists. This information and additional MDA NH₃ program information can be found at <https://www.mda.state.mn.us/pesticide-fertilizer/anhydrous-ammonia>.

The PFMD responded to **64** agricultural chemical incidents in 2023, **12** of which involved the release or threatened release of anhydrous ammonia.

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency (MPCA) is the lead state agency for incidents involving pollution of air, land, or water under Annex M: Environmental Hazard Response emergencies of the Minnesota Emergency Operations Plan (MEOP).

The MPCA's Emergency Response (ER) Program leads all environmental emergencies within the MPCA. The MPCA ER Program consists of seven experienced and trained responders in Baxter, Duluth, Mankato, Rochester, and St. Paul and one senior technical staff member located in St. Paul. Responders are available to respond to environmental emergencies during business hours and one responder is scheduled for after-hours including weekends and holidays, covering the entire state. MPCA's responders work from home offices managing environmental emergencies remotely and responding in person per agency protocols.

MPCA strives to improve the agency's internal preparedness for environmental emergencies and the preparedness of others across the state. The MPCA has one all hazard planner that is responsible for the coordination of internal preparedness activities among all the programs. The position is responsible for updating MPCA's Emergency Operations Plan (EOP), developing Program Emergency Response Guides (PERGs), and conducting preparedness training and exercises. In addition, the MPCA has an internal Emergency Preparedness Management Team (EPMT), which is composed of supervisors, managers, and directors to oversee the agency preparedness activities across all agency programs and functions.

MPCA's focus areas in 2023 include bolstering the number of staff trained in the Incident Command System (ICS), relocating the agency's emergency operations center and assigning duties for its operation, reevaluating the role of MPCA's EPMT and establishing a preparedness lateral team consisting of program staff throughout the agency.

The MPCA is a large customer of the Minnesota Duty Officer Program at DPS and receives the following types of reports for incidents regulated or overseen by the agency:

- Spills: represents incidents meeting state statute reporting requirements of any substance or material that can cause pollution of state waters. Materials include everything from milk and manure to petroleum and industrial chemicals.
- Air Quality: represents reports of contaminant releases to the air and/or air quality equipment breakdown/shutdown notifications.
- SARA Title III, Section 304 Supplemental: these reports reflect significant releases of concern to communities.
- Wastewater Facility Bypass: represents permit-required notifications of wastewater spills and bypasses.
- Pipeline: reflects notifications of breaks, leaks, and spills from pipelines.
- Railroad: represents derailments, accidents, and spills from trains.
- Tank: notifications of leaking petroleum storage tanks or environmental contamination discoveries.
- Fishkill: notifications of dead fish discoveries in surface waters. The DNR will determine if the cause is natural, or human induced from a facility where MPCA will lead then lead the investigation.

Total duty officer reports received and triaged in calendar year 2023 increased to 4559, a 6 percent increase from 2022. These numbers reflect multiple reports of the same incident and updated or supplemental reports. Nonetheless, the ER Program staff reads and triages each report to assess the situation for emergency environmental conditions requiring MPCA action and oversight. Of the incidents, 2652 or 58 percent were spills or environmental emergencies that the ER program worked on directly. Of these, 39 incidents were large, complex environmental emergencies requiring significant staff time for weeks and months. These large incidents often require the responders to hire contractors and spend state funds to stabilize the emergency or they spend significant time overseeing the responsible party's response to stabilize the site and performed a timely cleanup.

The MPCA works collaboratively with DPS on the transfer of duty officer report data and troubleshooting problems. This collaboration has resulted in efficiencies and cost savings over the years. The duty officer program uses Microsoft Access to store the reported data. Microsoft will stop supporting this software as soon as 2025. Therefore, a replacement database will need to be selected and implemented. This database is a key communication tool for all state agencies and for the MPCA, it drives MPCA's compliance and enforcement daily work as incidents are reported to the state. The MPCA is awaiting the development of the replacement database to begin planning system integrations in order to maintain a constant flow of data between agencies. Funding and planning for this transition is critical to prevent a negative impact on the Duty Office and other stake holding agencies. The Duty Office database and collateral systems are essential in preserving continuity of emergency readiness and response across state government.

The ER program works collaboratively and cooperatively with emergency responders from federal, state, tribal, county, and local units of government on assessing and overseeing cleanups. The MPCA's regulatory role is overseeing and directing environmental cleanups performed by the companies responsible for the incident. This can 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, containment, recovery, and cleanup. When multiple MPCA programs are involved in a response, the ER Program will lead and coordinate the response using the principles of the Incident Command System.

The MPCA uses and hires state emergency response contractors to clean up spills when a responsible party is unable, unwilling, or unknown. The MPCA then pursues cost recovery and appropriate enforcement actions against the responsible party. In calendar year 2023, MPCA hired a contractor 34 times. Fiscal year 2023 was another record year in state-funded responses using Superfund monies and Petroleum Tank Release Cleanup monies. The program spent over 2 million dollars to mitigate environmental emergency conditions throughout the state. The availability of funding is critical for the MPCA Emergency Response Program to act quickly to mitigate situations threatening human health, safety, and the environment. All MPCA responders are trained and authorized to hire, oversee and direct contractors. The MPCA works with the Department of Administration on establishing appropriate contracts to enable the state to respond to environmental emergencies. In recent years, the MPCA discovered limitations to conduct emergency air sampling and monitoring during a large industrial fire. The MPCA is not prepared to adequately assess the impacts of a large industrial fire affecting communities. Reliance on federal resources is MPCA's current strategy to fill the gap. This will result in a delay in responding and therefore sampling and monitoring will only be possible for fires that last eight hours or more. The

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MPCA continues to explore other strategies to fill the gap, such as purchasing specialized equipment, training contractors and responders and establishing contracting procedures for nationally recognized experts or companies.

MPCA offers assistance and support to communities affected by natural disasters. Assistance provided in the past include helping to organize and plan the debris removal process; sorting and collecting household hazardous waste, advising on recycling and disposable options; troubleshooting and restarting wastewater treatment plants; cleaning up spilled oil and chemicals; and recovering scattered or floating fuel oil, propane tanks and drums. MPCA provides advice and assistance to local public safety officials with cleanup and recovery concerns during the public safety phase of incidents involving oil and hazardous substances events.

MPCAs authorities and responsibilities under Minn. Stat. 115E allow for the review of regulated facilities' Prevention and Response Plans to determine their readiness to contain and recover worst case spills, protect sensitive resources and recover spills efficiently and effectively. This statute is a preparedness statute and was created without funding. In 2014 funding for one full-time employee (FTE) for the MPCA occurred and substantial responsibilities were created for MPCA targeting railroad preparedness. In 2023, funding for four rail preparedness positions occurred and the MPCA is currently expanding and improving oversight of railroad environmental preparedness in Minnesota. Additionally, the agency added one FTE to oversee non-railroad environmental preparedness. This is inadequate for the number of regulated facilities; however, it will enable the MPCA to perform some preparedness compliance assessments beyond railroads.

MPCA performed the following tasks related to the rail preparedness requirements in calendar 2023:

- Provided five Prevention and Response Plan review letters to the Unit train railroad companies, one review letter is pending, for a total of six.
- Planned and conducted an oil containment, recovery, and sensitive area protection drill in Breckenridge with Red River Valley & Western Railroad. Two additional railroad companies observed, city of Breckenridge staff participated and officials from the state of North Dakota were in attendance.
- Planned and conducted an input session with all six-unit train railroads, staff from DPS Homeland Security and Emergency Management Division and State Fire Marshal Division, State Rail Director and MPCA rail preparedness staff to discuss the new rail preparedness legislation, implementation and barriers or issues impeding implementation.
- Developed and shared a Microsoft Teams channel to share information and keep all rail preparedness stakeholders informed and continuing to troubleshoot access issues.
-

In addition, MPCA participated in **13** exercises or training sessions throughout the state lead by the following partners:

- Enbridge Pipeline
- Magellan Pipeline
- St Paul Park Refinery
- Red Wing Community Awareness and Emergency Response
- West Central Environmental Consultants
- USCG Western Lake Superior Port Area Committee
- DPS Fire Marshal Division

- DPS Homeland Security and Emergency Management Division

MPCA currently lacks resources to provide oil spill response training to fire departments and has stopped offering training throughout the state. MPCA historically offered classroom instruction, hands-on practice deploying equipment.

The MPCA responders are contributing partners in the following public/private preparedness organizations which promote coordinated spill preparedness and response. However, due to the lack of resources MPCA staff does not serve in leadership positions.

- Red Wing Community Awareness and Emergency Response (CAER) Organization
- Wakota CAER in Washington and Dakota counties
- Upper Mississippi River Basin Association, Hazardous Materials Spills Group
- United States Environmental Protection Agency (USEPA) Sioux Land, Red River, and Twin Cities sub-area committees
- United States Coast Guard (USCG) Western Lake Superior Port Area Committee
- USEPA/USCG Region V Regional Response Team

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

Minnesota Department of Transportation

Minnesota Department of Transportation Office of Freight and Commercial Vehicle Operations

Minnesota Statutes, section 115E.08, subd. 3(5), provides that the Minnesota Department of Transportation (MnDOT) has primary responsibility with respect to requirements related to the packaging, labeling, placarding, routing, and written reporting on releases of hazardous materials that are being transported in Minnesota. Staff from MnDOT's Office of Freight and Commercial Vehicle Operations (OFCVO) provide subject-matter expertise to the duty officer, agency partners, on-site emergency responders, etc., when there has been a transportation-related hazardous materials incident. OFCVO currently has two hazardous materials specialists (HMS) who share on-call duties. They are on-call 24/7 and can be dispatched (depending on the situation and incident location) by the MDO 365 days a year.

The OFCVO HMS receive reports of hazardous materials incidents involving all modes of transportation, including crashes or rollovers where hazardous materials are transported by vehicles, rail, or air, homeland security-related incidents, and spills and abandonments of hazardous materials on or near roadways throughout the Minnesota. The OFCVO HMS have in-depth knowledge of the Federal Hazardous Materials Regulations, the Federal Motor Carrier Safety Regulations (Code of Federal Regulations, Title 49,) and the Minnesota Motor Carrier Statutes (Chapter 221).

Every HMS will also have extensive training and experience in:

- The Incident Command System.
- Emergency response techniques and management.

- The design, construction and functioning of hazardous materials cargo tanks, tank cars, and other hazardous materials packages.
- Hazardous product transfer equipment and techniques.
- Heavy-duty vehicle recovery and towing.
- Chemical and radiological hazards.
- Handling abandonments and illegal dumping of hazardous materials.
- Handling vehicle fluid and cargo spills.

MnDOT's HMSs investigate the causes of transportation-related incidents and refer responsible parties for regulatory review when that is warranted. Transportation-related incidents are tracked internally. The 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.

Currently, MnDOT does not have any HMS that are certified to conduct Level VI inspections. MnDOT works closely with the Minnesota State Patrol's Commercial Vehicle Enforcement division, which does have staff certified to conduct these inspections, that help 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.

The OFCVO HMSs continue to offer and provide incident response/first-responder training to police, the State Fire Marshal's Office, state agencies such as MPCA, as well as 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. The OFCVO HMSs also participate in training exercises at Camp Ripley. OFCVO staff provide hazardous materials training to the private sector and other government agencies with the goal of reducing highway crashes and hazardous materials incidents. The OFCVO HMSs are active members of the State Agency Responders Committee.

OFCVO has one hazardous materials rail safety inspector who conducts inspections of railroad companies and shippers of hazardous materials by rail. For railroad companies, this includes physically inspecting tank cars, portable tanks and hoppers containing hazardous materials, as well as intermodal containers that contain non-bulk packages of hazmat. Railroad paperwork such as hazmat waybills are also inspected for compliance. For shippers, this includes inspecting hazmat training records, registration, track protection, security plans, bills of lading, hazmat shipping documents, and occasionally packages prepared for shipment. In the instance of a hazardous materials incident, the rail safety inspector's role is to assist our counterparts at the Federal Rail Administration with inspections and evidence gathering, and to provide technical expertise at a scene, if requested. The hazardous materials rail safety inspector is not directly involved with conducting actual emergency response activities at the scene of a hazardous materials incident.

Joint Emergency Response Training Center

The establishment of the Joint Emergency Response Training Center (JERTC) at Camp Ripley marks a significant step forward in enhancing the preparedness and capabilities of first responders in Minnesota.

State-of-the-Art Facilities

Described as a state-of-the-art training facility, the JERTC is equipped to provide first responders with both theoretical knowledge and hands-on experience. This ensures that responders gain practical insights into responding to hazardous materials incidents, enhancing their effectiveness in real-world scenarios. The emphasis on hands-on experience suggests that the JERTC goes beyond theoretical instruction, allowing first responders to apply their training in simulated environments. This approach is crucial for building confidence and competence in dealing with actual emergency situations.

The JERTC at Camp Ripley represents an asset for the state of Minnesota, offering a comprehensive and cutting-edge training experience for first responders. By covering a range of scenarios and providing hands-on experience, the facility contributes significantly to the readiness of emergency response teams across the state, ensuring they are well-prepared to handle hazardous materials incidents and other emergencies effectively.

Comprehensive Training Scenarios

The JERTC provides first responders with hand-on, scenario-based training in various critical areas, including rail incidents, pipeline emergencies, hazardous materials responses, and surface transportation incidents. The inclusion of these scenarios reflects a holistic approach to preparing responders for a diverse range of emergency situations. The facility is designed to accommodate specialized training needs, including scenarios involving weapons of mass destruction (WMD) and clandestine labs. This underscores the importance of preparing first responders for complex and potentially dangerous situations, including those involving chemical, biological, radiological, or nuclear threats.

Inaugural Training Session

The JERTC conducted its first training session in Spring 2023, with an attendance of **49** first responders with a total of **102** attending after additional session.



Joint Emergency Response Training Facility-Camp Ripley MN

Preparedness and Response Committees

State Agency Responders Committee

DPS coordinates the State Agency Responders Committee under the Minnesota Statute. The committee comprises initial on-call field responders with responsibilities for hazardous materials incident management from all state agencies. The group meets quarterly to review previous responses as a means of improving the effectiveness of state teams. The committee also actively seeks input from local responders to determine how the state can better assist the jurisdictions' response to hazardous materials events. This committee brings a wide variety of expertise to the table and includes Minnesota Pollution Control Agency, the National Guard's 55th CST, 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 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 Executive Order 19-22**, which assigns 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's proactive approach to handling oil or hazardous substance discharge incidents demonstrates a robust and effective response system. The presence of a centralized notification point, the MDO, serves as a crucial hub for timely communication and coordination among various agencies. The ongoing collaboration and communication between the state Emergency Response Teams and responsible agencies underscore the commitment to maintaining high response standards.

Across the state system, the number of agencies involved in planning, preparation, and response to a discharge is robust. Coordination between public safety, transportation, pollution control and agricultural create a system to address the concerns to health, wellness, community vitality and environmental impacts. If any link is missing with one of these agencies, the result could be devastating. Fortunately, Minnesota has dedicated the resources to address these risks.

State agencies hold regular meetings and shared training initiatives to enhance interagency cooperation further, ensuring that responders are well-prepared and equipped to address incidents promptly and efficiently. Communication and collaboration across state agencies have been critical to ensure various duties and responsibilities are met in the interest of safety. From pre-incident planning, response, remediation and long-term recovery systems across the state are there for the citizens. The dedication to continuous improvement reflects a proactive stance in providing the best possible services to the residents of Minnesota.