



Petroleum Remediation Program

Minnesota Pollution Control Agency

http://www.pca.state.mn.us/programs/lust_p.html

Reporting of Petroleum Releases

Guidance Document 2-01

Minnesota law requires immediate reporting upon the discovery of a spill, leak, overfill, or other signs of a petroleum release to the environment. Minnesota statute 115.061 Duty to Notify and Avoid Water Pollution, in effect since 1969, describes the duty to notify the MPCA of spills and leaks:

(a) Except as provided in paragraph (b), it is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.

(b) Notification is not required under paragraph (a) for a discharge of five gallons or less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not affect the other requirements of paragraph (a).

What and how much has to be reported?

For petroleum products, do not report spills known to be less than 5 gallons, unless they are a public safety or public health concern. Report any detectable past releases, because a volume greater than five gallons was likely released. Evidence of a release includes organic vapor readings above background levels, soil staining or odors, and analytical data indicating contaminants are present. Expect a reduction in Petrofund reimbursement if a release is not reported as indicated in Minnesota statute 115C.09 Subd. 3.

(i) (1). For non-petroleum spills please refer to the MPCA Emergency Response Fact Sheets entitled *Reporting Spills and Leaks* and *Reporting Hazardous Material Spills*.

Not all reported contamination will need additional investigation or cleanup. MPCA staff will assist responsible parties, landowners, and handlers in determining if actions to be taken will adequately address the problem. For corrective actions specific to spills, refer to MPCA Emergency Response Fact sheet entitled *Small Petroleum Spill Cleanups*. If contamination is encountered during development work at previously closed sites, notify the MPCA immediately (see Guidance Document 3-16 *Assessment of Petroleum Contamination at Closed Sites When There is No New Release*). The Petroleum Brownfields Program and Voluntary Investigation and Cleanup (VIC) Program can help handle these circumstances in addition to working with the Petroleum Remediation Program.

The MPCA expects you to exercise judgment in reporting spills. For instance, if a gallon of cleaning solution is spilled to a concrete floor inside a building and there is no environmental threat, do not report the spill to the MPCA. In general, the MPCA considers the following circumstances to warrant reporting: any spill outdoors including spills to storage tank containment areas; spills entering storm or sanitary sewer systems; spills with the potential to directly impact the environment or human health--even if thought to be adequately contained.

Who is required to report?

EVERY PERSON who has “any substance under its control” is required to report. Anyone in control of a substance at the time of a spill must notify the MPCA, including:

- Property owners who discover contamination.
- Individuals, partnerships, companies, corporations.
- Governmental subsidies, including officers of these entities.
- Owners of substances being stored or transported by another company.
- Contractors and/or consultants that are in physical control of a discharged substance.

This person is obligated to make immediate notification, but the MPCA also welcomes calls from consultants, public safety officials or the general public. The MPCA suggests that you not rely on anyone else to notify the Duty Officer. The information they give may be inaccurate or false.

When to Report?

Report spills and releases directly to the State Duty Officer to satisfy notification requirements. Reports of spills/releases are to be made IMMEDIATELY or as soon as safely possible. The Minnesota Department of Public Safety, Division of Emergency Management operates a 24-hour State Duty Officer service establishing a one-call system for all state reporting requirements. The Duty Officers record all pertinent information and then make the appropriate notifications to all necessary state agencies and certain county agencies. Notifications to the Federal EPA or NRC are not made by the Duty Officer and are your responsibility.

**To Report a Spill or Leak Call
The MN State Duty Officer at:
651/649-5451 or 800/422-0798**

If in doubt--call it in!!! There is no penalty for making accurate timely reports of spills or releases. However, enforcement actions may ensue if a spill was called in late or if a reported volume is grossly inaccurate. Similarly, if a release to the environment is reported more than 24 hours after discovery, expect a reduction to PetroFund reimbursement. If you have any questions about reporting spills, please contact Dorene Fier-Tucker of the MPCA’s Emergency Response Team at 651/297-8656.

Web pages and phone numbers

MPCA staff	http://data.pca.state.mn.us/pca/emplsearch.html
MPCA toll free	1-800-657-3864
Petroleum Remediation Program web page	http://www.pca.state.mn.us/cleanup/pubs/lustpubs.html
PetroFund Web Page	http://www.commerce.state.mn.us/mainpf.htm
PetroFund Phone	651-297-1119, or 1-800-638-0418
Emerg. Resp. web page	http://www.pca.state.mn.us/cleanup/pubs/6-14.pdf
Petroleum Brownfields Program	http://www.pca.state.mn.us/programs/vpic_p.html
VIC program	http://www.pca.state.mn.us/cleanup/vic.html
State Duty Officer	651-649-5451 or 1-800-422-0798

Upon request, this document can be made available in other formats, including Braille, large print and audiotape. TTY users call 651/282-5332 or Greater Minnesota 1-800/657-3864 (voice/TTY).

Printed on recycled paper containing at least 10 percent fibers from paper recycled by consumers.