

# Minnesota Spill Bill and the Area Contingency Plan

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Remediation  
Division  
Superfund and  
Emergency  
Response  
Section

Emergency  
Response &  
Large Facility  
Cleanup Unit

Minn. Stat. §115E requires storage tank facilities, railroad terminals and rolling stock, pipeline terminals and pipelines, water cargo vessels, and facilities that transfer oil or hazardous substances to have a prevention and response plan.

As part of the plan these facilities are required to “describe how it is consistent with the requirements of the national or area contingency plans developed under the Oil Pollution Act of 1990.”

## What is the Area Contingency Plan?

The Area Contingency Plan (ACP) is a document prepared by the U.S. Environmental Protection Agency (EPA) with assistance from other federal and local agencies. The EPA Region V ACP covers the six Upper Midwest states, including Minnesota. The seven-county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) Twin Cities metropolitan area is the subject of a Sub-Area Contingency Plan, which is considered a part of the full EPA Region V ACP. The counties bordering Lake Superior are the subject of a Sub-Area Contingency Plan headed by the U.S. Coast Guard. A Sub-Area Plan for the Red River Watershed is in being prepared jointly by EPA Regions V and VIII.

A number of Sub-Area Contingency Plans have been done with the assistance of local facilities, resource managers, and

local responders. Each of these Sub-Area Contingency Plans is considered part of the overall regional area plan.

The purposes of the ACP and its sub-plans are:

- Establishing protocols for use of the Incident Command System (ICS), which is a system for organizing roles and responsibilities for incident response
- Describing the normal and expected roles and responsibilities of the various potential responders
- Identification of the economically and environmentally sensitive areas so facility operators know which areas they need to specifically plan for protecting. Sensitive areas include, but are not limited to, potable water intakes, managed natural resource areas, endangered species habitats, marinas, archeological areas, and tribal lands.
- Pre-identification of strategies for response to protect sensitive areas and recover spilled material
- Notifications and resource lists

## Consistency with the Area Plan

Each company may choose its own format for preparation and planning. The Minnesota Pollution Control Agency (MPCA) will consider the following as the minimum for reasonable steps to be done by facility owners/operators to



comply with the requirement. A company's compliance may be examined in a plan review, or it may be examined following a spill.

1. Obtain the Area Contingency Plan and appropriate Sub-Area Contingency Plans.
2. Prevention and Response Plans must recognize the proper roles of the facility owner/operator as responsible party for a spill; the local police, fire and other responders in protection of the public's safety; and the MPCA and EPA as overseers of response for protection of the public's health and environment. We highly recommend that your facilities' responders be trained in the Incident Command System and in using Unified Command.
3. Prevention and Response Plans must include notification numbers for local responders (generally 911), the Minnesota Duty Officer (651/649-5451 or 800/422-0798) and the National Response Center (800/424-8802). Make certain that your internal chain of notifications is effective and efficient so external notification is not delayed.
4. Examine the ACP and sub-area sensitive area and response strategy information pertinent to facilities or routes of your company. Compare with information already in the facility's plan. There likely will be additional local information in the facility's plan or available from local sources. Minnesota Department of Natural Resources and county water planners are valuable sources of information. Plans should include the data from both source types.
5. The federal Oil Pollution Act requirements for downstream planning and equipment tiers are considered the minimums required for fixed location facilities. See the federal information at [www.epa.gov/oilspill](http://www.epa.gov/oilspill). All sensitive areas adjacent to facilities and in a reasonable distance downstream and all potable water intakes downstream of all facilities should be in the facility's plan. For transportation facilities, such as pipelines and railroads, the MPCA will expect facility plans to include sensitive areas

within 1 mile of the railroad or pipeline right-of-way, listed areas 10 miles downstream of any major river which the right-of-way intersects, 5 miles downstream of any smaller river or stream which the right-of-way intersects, 1 mile downstream of any intermittent stream the right-of-way intersects. For lakes and ponds adjacent to the right-of-way, locate listed areas along the entire shoreline of the water body. For wetlands adjacent to the right-of-way, locate listed areas throughout the entire designated wetland. Major rivers are the Mississippi, Minnesota, St. Croix, Red and Rainy. Intermittent streams are designated on the U.S. Geologic Survey maps.

6. Organize the sensitive area and response strategy data so that the person directing your company's response can quickly retrieve it. Maps are generally best.
7. Act on the available data to improve the company's preparedness by:
  - **Response strategies:** Site-specific strategies must appear in the Prevention and Response Plan for the sewers, surface waters, and sensitive areas adjacent to, and in a reasonable distance downstream of, the facility. The site-specific strategy must include the purpose of the action (spill containment, diversion, etc.), the equipment and personnel needed to carry out the strategy, access and ownership considerations, and any other information that will be needed in the event of an incident. This will require an inspection of each site and an equipment deployment drill at many sites to determine whether the strategy can be done.
  - **Potable water intakes:** Include a 24-hour telephone number for the utility operator. Talk with the operator and determine whether the water intake can be temporarily halted, or if other means of protecting the intake from a spill are available. Jointly develop a "mini-plan of action" for incidents near the intake.



- **Industrial and agricultural water intakes:**  
Include the contact name and telephone number, if listed in the ACP or a Sub-Area Contingency Plan.
- **Marinas:** Include a telephone number for the marina operator.
- **Tribal lands:** Call the tribal organization and determine the role tribal government will play in response to a spill on or affecting its land and whether there are special tribal resources or requirements. The Prevention and Response Plan must reflect this role of tribal government and should include notification procedures.
- **Threatened and endangered species, historic features, parks, and natural resource areas:**  
Include a 24-hour telephone number for the agency managing the resource. The manager of the resources near a facility or adjacent to the right-of-way or within the downstream distances described above should be contacted ahead of time and given the opportunity to specifically list and describe sensitive features of the resource area. Those specific features should be noted in the company's Prevention and Response Plan.

Facility planners should take advantage of internal resources available to them. For example, staff who are knowledgeable about the areas in which the company operates should review and provide input to the sensitive area data. To help in organizing the sensitive area and response strategy information, the MPCA suggests that companies plot the required resource data on maps. Although the mapping is not mandatory, it will assist the company's incident commander during initial assessments of an incident and in judging the short- and long-term potential effects of an environmental emergency.

### Initial Plan Due Date and Updates

The initial due date for the Prevention and Response Plans was January 1, 1994. The plans

are required to be updated at least every three years. Plans are to be updated before three years following a significant discharge, a significant change in operation or ownership, significant change in the ACP, or upon change in the capabilities or role of a person named in a plan who has an important response role.

### For More Information

For more information on spill prevention, cleanup and disposal, call the MPCA at (651) 296-6300 or (800) 657-3864 and ask for a member of the Emergency Response Team. Or, go to [www.pca.state.mn.us/cleanup/pubs/ertpubs.html](http://www.pca.state.mn.us/cleanup/pubs/ertpubs.html) on the Internet.

For more information on the Area Contingency Plan or Sub-Area Contingency Plans:

Area Contingency Plan: [www.great-lakes.net/partners/epa/acp-rcp/](http://www.great-lakes.net/partners/epa/acp-rcp/)

Minneapolis/St. Paul Sub-Area Plan: [www.umnba.org/hazspills/twincitiesplan.pdf](http://www.umnba.org/hazspills/twincitiesplan.pdf)

CDs of the Minneapolis/St. Paul Sub-Area Plan and the Minneapolis/St. Paul Sub-Area Sensitive Area Atlas can be obtained from the MPCA.

For information about federal response equipment and planning distance requirements, go to [www.epa.gov/oilspill/](http://www.epa.gov/oilspill/).