



**Minnesota
Pollution
Control
Agency**

Minnesota Spill Bill requirements for railroad companies

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Minnesota Statute 115E, known as the Spill Bill, requires that companies operating a railroad be prepared to respond to hazardous substance or oil incidents in a planned and effective manner. A railroad's plan must protect health, safety and the environment. The Minnesota Pollution Control Agency (MPCA) provides guidance and enforcement of the environmental protection requirements of the law. The Minnesota Department of Public Safety and local public safety officials may also provide assistance to railroads in their planning efforts.

This guidance document describes the reasonable and expected level of railroad emergency preparedness and spill response. Simply having a prevention and response plan is not enough. A plan is only as good as the commitment of the railroad to practice and carry it out.

The MPCA may review a company's preparedness either before or after an incident. The MPCA may require a company to improve its plans, conduct training, acquire additional equipment, arrange for contractors, or otherwise increase its preparedness if the MPCA finds it to be inadequate. Penalties may be levied for inadequate preparedness.

Corporate mindset

Prevention, planning, emergency preparedness and response, and cleanup should be an integral part of the operation of the railroad. It should not be

an isolated function carried out independently by only the company's environmental staff. Railroad management, yardmasters, roadmasters, and dispatchers should all be aware of the steps the railroad is taking to prevent and prepare for incidents, should be made a part of the preparedness effort, and must be trained and equipped for their roles and responsibilities in response and follow-up.

Railroads must prepare Prevention and Response Plans

The law requires that railroads prepare one or more Prevention and Response Plans. The required contents of the plans are generally described in Minn. Stat. §§ 115E.04 and 115E.045. A railroad may decide to have one plan, which covers all its regulated yards, fueling areas and trackage, or it may have separate plans for each yard regulated and a plan for the regulated trackage.

Planning for specific facilities and areas

The company must evaluate the spill potentials at storage tank facilities with a capacity of more than 10,000 gallons. This includes fueling areas. Areas where accidents and spills are more likely to occur, such as high-traffic areas, humps and environmentally sensitive areas, such as drinking water intakes and major river crossings, need to be specifically addressed. Information about these areas must be available to railroad and

response personnel. In addition, the location of response equipment, drainage patterns, sewer systems, sensitive areas downstream, populated areas, and evacuation and entry routes should be known. Equipment, company personnel, and contractor response times and capabilities should be known and planned. Customized response protocols for some specific locations and scenarios should be developed and ready for implementation. Some of these protocols need to be detailed and site specific; for example, plugging specific sewer inlets in a yard, booming outfalls of specific sewers to waterway, and protecting specific critical downstream habitats or water intakes.

General system planning

Some protocols may be more generic within each plan; for example, procedures for patching holes in tanker cars and recovering oil from water. This kind of general planning should also be done to respond efficiently and effectively to incidents involving rolling stock out on the main and secondary lines. Generalized response protocols can be developed for incident categories such as locomotive fuel tank punctures or tank car derailments. Equipment and response personnel should be identified throughout the state to carry out these protocols. The waterways, population centers, water intakes, and other readily identifiable sensitive areas along the company's tracks can be obtained from the U.S. Environmental Protection Agency and local knowledge. Ideally, this information should be mapped and made available quickly to responders in the event of an incident.

Notification

Notification protocols should be concise and sensible. MPCA staff recognizes that companies need to make several notifications when a spill occurs. Therefore, the MPCA typically allows a company one call to a local public safety unit and one internal company call. Then we expect the Minnesota Duty Officer to be notified. It is not acceptable to notify the Duty Officer after a series of internal notifications or after specified company personnel have arrived on scene.

Worst-case planning

The "worst-case" incidents must be anticipated and the responses planned. Worst-case planning involves considering both the highest volume and most highly toxic cargo. Planning should also include more common incidents, such as locomotive fuel leaks, fuel storage tank leaks, and incidents similar to past incidents.

Staffing levels and assignments

The railroad should have enough staff with time and authority to make sure that its preparedness is adequate. The staff should conduct internal preparedness training and inspections and participate in response exercises with potential response partners. When there is an incident, railroad staff with sufficient training and authority must be readily available at all times to lead a timely response using predetermined equipment and contractors. These staff must have adequate company authority and time to complete cleanups in a timely way.

Equipment and response personnel levels

Equipment and personnel trained in its safe use must be available to respond wherever the railroad operates in Minnesota. Many employees of various classifications and functions should be given basic training in responding to small and common spills, such as containment and recovery of diesel fuel leaking from locomotive fuel tanks, refrigerated cars, or small storage tanks. The basic plug/patch kit and plastic swimming pool-type equipment for such common responses should be staged on trains and in locations throughout the system. When a small release occurs, it should be quickly stopped and contained, thus lessening the need for extensive cleanups.

When a more dangerous or extensive release occurs, the response to stop and contain the release should be a planned response, not an ad hoc one. The company should evaluate its cargo and areas where it operates to anticipate the response needs that might arise. The company must obtain commitments from contractors or others throughout the system area.

These arrangements must be specific and mutual. That is, there must be a firm agreement on the level of service needed and to be provided. Particular types of cargo requiring specialized response training or equipment may need extraordinary partnerships between the company and potential responders to provide adequate preparedness.

Precoordination with local responders

There are many opportunities for railroads to coordinate with local officials before spills occur. Community awareness and emergency response (CAER) groups exist in several locations across the state. Railroads can join those CAERs, meet with local officials on their own, or form their own CAER groups.

After an incident, the MPCA will assess the degree of cooperation between the railroad and local officials and gauge whether the railroad company had made adequate effort at precoordination. This will be done as part of an enforcement assessment.

Incident command

There should be clear lines of authority and communication between all railroad personnel, contractors and others responding to an incident, including local and state personnel. This should carry over to long-term cleanup. These coordination and command protocols should be planned in advance, and there should be adequate authority, information, resources and staff to get the job done efficiently and effectively.

For more information

For more information about the Spill Bill, spill prevention, cleanup or disposal, call the MPCA at (651) 296-6300 or (800) 657-3864 and ask for a member of the Emergency Response Team.

Additional information is also available on the MPCA Web site at www.pca.state.mn.us/cleanup/ert.html.