

Reporting leaks and spills

Minn. Stat. §115.061, which has been in effect since 1969, describes the duty of people to notify the Minnesota Pollution Control Agency (MPCA) when spills and leaks occur:

115.061 — Duty to Notify and Avoid Water Pollution

- 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 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).

The law provides penalties of up to \$10,000 per day for violations.

The Minnesota Department of Public Safety, Bureau of Criminal Apprehension, operates a 24 hour service, establishing a one call system for all state reporting requirements.

Reportable spills should be directed to the Minnesota Duty Officer by calling 651-649-5451 or 800-422-0798.

The duty officer will record all pertinent information and then make the appropriate notifications to the state agencies.

Spills that must be reported

Report spills that may cause pollution, such as spills of toxic, flammable, corrosive and dangerous industrial chemicals. Also report spills of environmentally damaging materials, including milk, coal, animal parts, batteries, etc.

Reportable quantities

Minnesota has a reporting threshold of greater than five-gallons for petroleum spills. Spills of any quantity of all other chemicals or materials should be reported. If in doubt, report.

Anyone who spills is required to report

EVERY person who has “any substance or material under its control” must report spills and leaks. This includes:

- property owners who discover contamination;
- individuals, partnerships, companies and corporations;
- governmental subdivisions, including officers of these entities;
- owners of substances being stored or transported by another company; and
- contractors who are in physical control of a discharged substance.

Sometimes a fire department, police agency or other local or state agency that responds to a spill or leak chooses to report the incident to the MPCA. In some circumstances, the entity may be required to report the

spill. However, in no case does a report from someone else stand in lieu of your responsibility to report to the MPCA by calling the Minnesota Duty Officer if a substance is under your control.

Be aware that there may be other reporting requirements imposed by local ordinances, state or federal law, or permits. Understanding all reporting requirements is the responsibility of those who handle substances which can pollute.

It is the responsibility of the spiller to ensure an effective cleanup and proper management of all wastes generated. With the exception of used oil, waste generated from petroleum spills that have been reported and cleaned up immediately are exempt from Minnesota's Hazardous Waste Rules. Waste from used oil spills must be sent to a facility for energy recovery.

For more information

For more information on spill prevention, cleanup or disposal, call the MPCA at 651-296-6300 or 800-657-3864 and ask for a member of the Emergency Management Unit or go to <https://www.pca.state.mn.us/waste/emergency-response>.

More information is also on the U.S. Environmental Protection Agency website at <https://www.epa.gov/oilspill/>.