



Minnesota Spill Bill requirements for railroad companies

The “Spill Bill,” as [Minnesota Statute 115E](#) is commonly known, requires companies that transport, store or handle hazardous substances or oil to respond to a release in a planned and effective manner to protect health, safety and the environment.

The railroad industry has been subject to the requirements in the Spill Bill since 1991 and legislation passed in 2014 created additional requirements for railroads operating “unit trains” in Minnesota.

The Minnesota Pollution Control Agency (MPCA) is authorized to provide guidance and to assess compliance with provisions of the Spill Bill. The MPCA will conduct inspections, review prevention and response plans, and participate in exercises. The MPCA will assist railroads with the development of training and response strategies, and it will facilitate mutual aid and cooperative response agreements.

The MPCA may require that a company improve its plans, conduct exercises, acquire additional equipment, arrange for contractors, or other activities that will increase the company’s level of preparedness. The MPCA may impose penalties for inadequate preparedness.

Prevention and general preparedness

The Spill Bill requires a railroad company to take “reasonable steps” to prevent the accidental discharge of hazardous substances or oil. The MPCA has interpreted “reasonable steps” to mean that a company must comply with other state and federal laws, codes and any applicable industry standards to ensure the safe operation of its facilities. In addition to preventing discharges, a company must be prepared “at all times to rapidly and thoroughly” respond in order to protect the health and safety of the public and the environment.

Specific preparedness and prevention and response plans

Most railroads must comply with the “Specific Requirements” of the Spill Bill because they generally transport more than 100,000 gallons of hazardous substances or oil per month. Many railroads also have storage and/or trans-loading facilities that handle more than 1,000,000 gallons of oil or hazardous substances or contain storage tanks of more than 10,000 gallons. The 2014 amendment also includes specific requirements for any railroad that operates “unit trains.” A “unit train” is defined as a train with more than 25 tanker railcars carrying oil or hazardous substance cargo.

Any facility required to show specific preparedness must have a Prevention and Response Plan. The general content for these plans is described in Minn. Stat. §§ 115E.04 and 115E.045. The MPCA is focused on the following elements of a railroad’s plan:

Company description: The railroad’s transit corridors and major facilities (yards, fueling stations, etc.). Assessment of where accidents and discharges are more likely to occur. Population centers, high risk/impact areas, and sensitive environmental areas.

Notification procedures: The railroad’s notification procedures and personnel responsible for making the state-required notification of an incident.

Lines of authority/chain of command: Identity of the railroad’s decision-makers. Description of how railroad personnel will integrate with and advise the local incident command and provide on-scene oversight.

Response personnel and equipment: The people, equipment and capabilities of those who will respond, including locations and estimations of the response times. Formal arrangements with contractors, mutual aid agreements, and other response assets from the public and private sectors.

Identification and protection of critical natural resources: How potentially affected natural resources will be identified, assessed and prioritized. The strategies that may be implemented to protect those resources. How affected wildlife may be protected and rehabilitated.

Specific requirements for unit trains

In 2014, the Spill Bill was amended; this new language requires additional preparedness and response requirements for railroads that operate unit trains in Minnesota. The preparedness activities required of each railroad running unit trains under this amendment include:

- By June 30, 2015, update the prevention and response plan on a MPCA-prescribed form.
- Offer training to, and coordinate with, local fire departments and emergency response officials. Initial training must be offered to each fire department along unit train routes by June 30, 2016. Refresher training must be offered every three years. The MPCA and the Minnesota Department of Public Safety (DPS) will assist in the development and delivery of this training.
- Conduct oil and containment recovery exercises at least once every three years. The MPCA and other state agencies will participate in these exercises.
- The railroads are encouraged to develop mutual aid and cooperative agreements with each other and other industry, and with local emergency response organizations. The MPCA and DPS will assist in facilitating these partnerships.

In addition to the preparedness activities, the amendment has several response requirements designed to protect the public and minimize environmental impact. Railroads must respond and provide resources to incidents within certain time frames. To protect the public's safety, the railroad must be capable of:

- Within one hour, provide a qualified person to advise the local Incident Commander.
- Within three hours, provide a qualified person on-site to advise the Incident Command and direct the railroad's response.
- Within three hours, provide air-monitoring equipment with a qualified operator on-site to determine threats to the responder and to public safety.

To minimize environmental impact, the railroad must be able to:

- Deploy containment to prevent off-site migration of the released material.
- Within eight hours, deliver and deploy equipment to contain and recover 10% of the worst-case discharge and protect sensitive resources within one mile and/or eight hours' downstream travel time from the release site.
- Within 60 hours, deliver and deploy equipment to contain and recover the worst-case discharge and protect any sensitive resources.

The timeframes above do not, however, detract from railroads' responsibility to provide response to, and cleanup of, any spill in compliance with [Minnesota Statute 115.061](#).

For more information

For more information about the Spill Bill and 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 available also on the MPCA website at <http://www.pca.state.mn.us/cleanup/ert.html>.