



Minnesota Spill Bill sensitive area guidance for railroad rolling stock

Contents

Companies affected .. 1

Prevention and response plans..... 1

Compliance 1

Due date..... 2

Updates..... 2

For more information 2

This guidance describes the requirements for identifying and preparing to protect economically and environmentally sensitive areas in Minnesota near the corridors over which railroads transport oil or hazardous substances as cargo. Other prevention and preparedness requirements under Minn. Stat. § 115E will apply. Railroads operating storage tank facilities or transferring a monthly aggregate total of more than one million gallons of oil or hazardous substances must also have a plan showing specific planning/preparedness. They are also subject to the general prevention and preparedness requirements of Minn. Stat. § 115E.

Companies affected

“Persons who own or operate railroad car rolling stock transporting an aggregate total of more than 100,000 gallons of oil or hazardous substance as cargo in Minnesota in any calendar month” [Minn. Stat. § 115E.03, subd. 2(2)]. Each segment of line that meets the criteria should be included in rolling stock planning.

Prevention and response plans

Railroads...“shall prepare and maintain a prevention and response plan for a worst case discharge. The plan must (1) describe how it is consistent with the requirements of the national or area contingency plans developed under the Oil Pollution Act of 1990 (Minn. Stat. § 115E.04, subd. 1).”

The Area Contingency Plan (ACP) is a document prepared by the U. S. Environmental Protection Agency (EPA) with the help of other federal and local agencies. Among the ACP’s purposes is identification of the economically and environmentally sensitive areas, protected habitats, and fish/wildlife areas. This is done so facility operators know which areas need specific planning and protection. Sensitive areas include, but are not limited to, potable water intakes, managed natural resource areas, endangered species habitats, marinas, archeological areas and tribal lands.

Minnesota is largely in the EPA Region V ACP. The seven-county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) Twin Cities Metro Area is the subject of a Sub-Area Contingency Plan, which is part of the EPA Region V ACP. The Red River watershed is in the EPA Region VIII ACP.

Compliance

It is the responsibility of the railroad companies to comply with the requirement. Each company may choose its own format for preparation and planning. Minnesota Pollution Control Agency (MPCA) guidance specifies that at a minimum the following reasonable steps be done by railroad owners/operators to comply with the requirement:

1. Obtain the ACP data on disk and extract data for the corridors or counties through which the railroad passes.

Locate listed areas within one mile of the railroad right-of-way, listed areas 10 miles downstream of any major river that the right-of-way intersects, five miles downstream of any smaller river or stream that the right-of-way intersects, and one mile downstream of any intermittent stream that the right-of-way intersects. For lakes and ponds adjacent to the right-of-way, locate listed areas along the entire shoreline of the body of water. 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 those designated by (---...---...---) symbols on the U.S. Geologic Survey maps.

2. Organize the ACP data so that the person directing the railroad's response can quickly retrieve them.
3. Act on the available data to improve the company's preparedness by:
 - **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 whether other means of protecting the intake from a railroad spill are available. Jointly develop a "mini-plan of action" for railroad incidents near the intake. The plan should address equipment allocation, procedures and the agreed-upon roles and responsibilities of the railroad and utility operator.
 - **Industrial and agricultural water intakes:** Include the contact name and telephone number, if listed in the ACP.
 - **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.
 - **Parks and natural resource areas:** Include a 24-hour telephone number for the agency managing the resource. The manager of the resources adjacent to the right-of-way or within the downstream distances described in item 2

above should be contacted ahead of time and given the opportunity to specifically list and describe sensitive features of the resource area. Those features should be noted in the railroad company's prevention and response plan.

Railroad companies should take advantage of internal resources. 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 assist in organizing the ACP data, the MPCA suggests that railroad companies plot the required resource data on maps. Although the mapping is not required, it will assist the company's incident commander during initial assessments of an incident and judging the short- and long-term potential effects of an environmental emergency. The MPCA will assess the need for a map requirement each year, and will consult with railroad companies before unilaterally issuing guidance including mapping requirements.

Due date

The railroad rolling stock prevention and response plans were due January 1, 1994.

Updates

Plans are to be updated every three years. Plans are to be updated before three years following a significant discharge, a significant change in operation or ownership, a significant change in the ACP or upon a change in the capabilities or role of a person named in a plan who has an important response role. The ACP data are to be updated once every year for five years and every three years thereafter. The railroad rolling stock prevention and response plan should be updated within one year of an ACP update.

For more information

For more information on spill reporting, 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 the Internet at www.pca.state.mn.us/cleanup/pubs/ertpubs.html.