



Reporting of Petroleum Releases

Petroleum Remediation Program – Guidance Document 2-01

Minnesota state law requires **immediate** reporting upon the discovery of a spill, leak, overfill, or other signs of a petroleum release to the environment. Minnesota Statute 115.061 *Duty to Notify and Avoid Water Pollution*, in effect since 1969, describes the duty to notify the Minnesota Pollution Control Agency (MPCA) of spills and leaks:

(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 as 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).

What and how much has to be reported?

For petroleum products:

- Report all releases known to be greater than five gallons.
- Report any detectable past releases because a volume greater than five gallons was likely released.

Evidence of a petroleum release includes:

- Organic vapor readings above background levels.
- Soil staining or petroleum odors.
- Free floating petroleum product in the subsurface.
- Any analytical data indicating petroleum contaminants are present.

In general, the MPCA considers the following circumstances to warrant reporting:

- Any petroleum release outdoors including releases to storage tank containment areas.
- Releases entering sanitary or storm sewer systems.
- Releases that have pooled in a structure, on land, and/or on groundwater.
- Petroleum substances that have been released to surface waters.
- Releases that cause vapors within a structure(s) or that pose health, fire, or explosion hazards.
- Releases with the potential to directly impact the human health or the environment, even if thought to be adequately contained.

A reduction in Petrofund reimbursement can occur if a release is not reported as indicated in Minn. Stat. § 115C.09, subd. 3(i)(1).

If any contamination (petroleum or non-petroleum related) is encountered during development work, which can include previously closed petroleum release sites, notify the MPCA immediately. Please refer to Guidance Document 3-16 – *Assessment of Petroleum Contamination at Closed Sites* for assistance at closed petroleum tank release sites. For assistance and assurances related to property transfers and/or development work, please refer to the Petroleum Brownfields and Voluntary Investigation and Cleanup (VIC) Programs as well.

Not all reported contamination will need additional investigation or cleanup. The MPCA will assist responsible parties, landowners, and handlers in determining actions to be taken for adequately addressing the problem. For corrective actions specific to spills, refer to MPCA's Emergency Response fact sheet entitled *Cleaning up Small Petroleum Spills*.

For non-petroleum spills, please refer to the MPCA Emergency Response fact sheets entitled *Reporting Spills and Leaks* and *Reporting Spills of Hazardous Material*.

Who is required to report?

Every person who has "any substance under its control" is required to report. Anyone in control of a substance at the time of a petroleum spill or release must notify the MPCA, including:

- Property owners who discover contamination.
- Individuals, partnerships, companies, and corporations.
- Governmental subsidies, including officers of these entities.
- Owners of substances being stored or transported by another company.
- Contractors and/or consultants that are in physical control of a discharged substance.

This person is obligated to make immediate notification, but the MPCA also welcomes calls from consultants, public safety officials, or the general public. The MPCA suggests you do not rely on anyone else to notify the Minnesota State Duty Officer. The information they provide may be inaccurate or false.

When to report?

To satisfy notification requirements, immediately report spills and releases to the Minnesota State Duty Officer. Report the spill or release immediately or as soon as safely possible. The Minnesota Department of Public Safety, Division of Emergency Management, operates a 24 hour State Duty Officer service establishing a one-call system for all state reporting requirements. The Duty Officer records all pertinent information and then makes the appropriate notifications to all necessary county and state agencies. Notifications to the United States Environmental Protection Agency or National Response Center are not made by the Minnesota State Duty Officer and are your responsibility.

**To report a spill or leak – call the Minnesota State Duty Officer at
651-649-5451 or 1-800-422-0798**

If ever in doubt, call it in! There is no penalty for making accurate timely reports of spills or releases. If a spill or release is called in late or if a reported volume is grossly inaccurate, enforcement actions can ensue. Similarly, if a release to the environment is reported more than 24 hours after discovery, a reduction in Petrofund reimbursement will occur. If you have any questions about reporting spills or releases, please contact MPCA's Emergency Response Team at 651-296-6300 or toll free at 1-800-657-3864.

	Webpages and Phone Numbers
MPCA General Line	651-296-6300 or 1-800-657-3864
MPCA Staff	http://www.pca.state.mn.us/wfhy3ec
Petrofund Webpage	http://mn.gov/commerce/topics/Petrofund/
Petrofund Phone	651-539-1515 or 1-800-638-0418
Emergency Response Webpage	http://www.pca.state.mn.us/yhiz7fd
Minnesota State Duty Officer	651-649-5451 or 1-800-422-0798