



The Minnesota Pollution Control Agency is responsible for overseeing spill reporting, prevention, preparedness and cleanup requirements established to protect human health and the environment. The existing state spill reporting law is somewhat complicated and has resulted in disputes about who must report spills and under what circumstances. The existing spill preparedness law is duplicative as it relates to the authorities of the Department of Public Safety and the Department of Agriculture. The proposed modifications seek to simplify and sharpen the focus of the law, eliminate duplicative requirements and protect water quality.

This proposal does not change the requirement that **all spills must be cleaned up regardless of size.**

Proposed modifications

Reporting requirements

The proposed modifications simplify reporting requirements in a number of ways. The first includes establishing three “reportable quantities” including one gallon for chemicals, five gallons for petroleum and 50 gallons for other polluting materials. In addition, the proposal clarifies who must report spills, sets specific deadlines for reporting spills and outlines the responsibilities regarding clean up of spilled materials. Language regarding the reporting of storage tank leaks, hazardous waste spills and spills that reach waters of the state is also clarified. The proposed changes eliminate the requirement to report small spills that pose little or no risk to human health or the environment.

The proposed modifications would result in more useful information being reported on larger, more consequential spills and fewer inconsequential spills being reported.

Planning and preparedness requirements

The proposed modifications include repeal of several of the complicated spill preparedness requirements in Chapter 115E. Under the proposed changes, the three classes of spill response plans would be reduced to one class with simpler, clearer requirements. These requirements include site diagrams, basic on-site equipment, identification of cleanup contractors, spill containment and employee training. The simplified planning requirements would also be extended to include electrical system facilities and large fueling stations. If facilities must have a federally required plan, which already contains these items, a separate state plan will not be required. The modifications also eliminate the need for facilities to notify the state when plans are completed or updated.

Duplicative requirements

In order to reduce overlap in spill prevention and preparedness requirements, the modifications include proposals to remove Department of Agriculture and Department of Public Safety responsibilities from Chapter 115E. The Department of Agriculture has parallel authorities in Chapters 18B-E. Working with local facilities for public safety protection is an issue handled by local fire and emergency management departments with State Department of Public Safety support.