

1 Department of Public Safety  
2 State Fire Marshal Division  
3  
4 Adopted Permanent Rules Relating to Hazardous Materials Incident  
5 Response Plan and System  
6  
7 Rules as Adopted

8 7514.0100 DEFINITIONS.

9 Subpart 1. **Scope.** The terms used in this chapter have the  
10 meanings given them in this part.

11 Subp. 2. **Activated by the state.** "Activated by the state"  
12 means dispatched via the Minnesota duty officer system for  
13 purposes of emergency response or authorized in writing by the  
14 commissioner in advance of training exercises.

15 Subp. 3. **Chemical assessment team.** "Chemical assessment  
16 team" has the meaning given it in Minnesota Statutes, section  
17 299A.49, subdivision 2.

18 Subp. 4. **Commissioner.** "Commissioner" means the  
19 Commissioner of the Minnesota Department of Public Safety acting  
20 directly or through an authorized agent.

21 Subp. 5. **Deployment time.** "Deployment time" means the  
22 period of time beginning when the decision is made to dispatch a  
23 team and ending at the time the complete team begins its  
24 response to the scene of the incident.

25 Subp. 6. **Emergency response team.** "Emergency response  
26 team" means a regional hazardous materials response team, as  
27 defined in Minnesota Statutes, section 299A.49, subdivision 7.

28 Subp. 7. **Employer.** "Employer" has the meaning given it in  
29 Minnesota Statutes, section 182.651, subdivision 7.

30 Subp. 8. **Facility.** "Facility" has the meaning given it in  
31 Minnesota Statutes, section 115E.01.

32 Subp. 9. **Local authority.** "Local authority" means the  
33 local unit of government's public safety agency in overall  
34 command at the scene of a hazardous materials incident.

35 Subp. 10. **Minnesota duty officer system.** "Minnesota duty

1 officer system" means the single answering point system  
2 established under Minnesota Statutes, section 115E.09.

3 Subp. 11. **Minnesota emergency operations plan.** "Minnesota  
4 emergency operations plan" means the document that guides state  
5 agencies in their response to emergencies and disasters, in  
6 accordance with their general responsibilities as assigned in  
7 Governor's Executive Order 93-27, and any subsequent revisions  
8 to that order.

9 Subp. 12. **Minnesota incident management system.**  
10 "Minnesota incident management system" means a combination of  
11 facilities, equipment, personnel, procedures, and communications  
12 operating within a common organizational structure with  
13 responsibility for management of assigned resources to  
14 effectively accomplish stated objectives at the scene of an  
15 incident.

16 Subp. 13. **Mitigation.** "Mitigation" means those actions  
17 necessary to alleviate the immediate threat from a hazardous  
18 materials release.

19 Subp. 14. **Operations authorized by the state.** "Operations  
20 authorized by the state" means activities listed in this chapter  
21 and the "Minnesota Hazardous Materials Incident Response Act,"  
22 Minnesota Statutes, sections 299A.48 to 299A.52, and suggested  
23 operating guidelines, including authorized training exercises  
24 when a team is operating outside its geographic jurisdiction.

25 Subp. 15. **Primary service response area.** "Primary service  
26 response area" means the geographic portion of the state to  
27 which a team has been assigned to provide the principal response  
28 to an incident.

29 Subp. 16. **Regional response team program.** "Regional  
30 response team program" means the system of regionally located  
31 hazardous materials emergency response teams and hazardous  
32 materials chemical assessment teams.

33 Subp. 17. Regional team. "Regional team" means an  
34 emergency response team or chemical assessment team that is part  
35 of the regional response team program as defined in subpart 16.

36 Subp. 18. Response area. "Response area" means primary or

1 secondary response area as defined in subpart 15 or 21.

2 Subp. ~~17~~ 19. **Response time.** "Response time" means the  
3 period of time beginning when the decision is made to dispatch a  
4 team and ending when the complete team arrives at the scene of  
5 the incident.

6 Subp. ~~18~~ 20. **Responsible person.** "Responsible person"  
7 has the meaning given it in Minnesota Statutes, section 299A.52,  
8 subdivision 1.

9 Subp. ~~19~~ 21. **Secondary service response area.**  
10 "Secondary service response area" means the geographic portion  
11 of the state to which a team has been assigned to provide the  
12 alternate response to an incident.

13 Subp. ~~20~~ 22. **Suggested operating guidelines.** "Suggested  
14 operating guidelines" means the written guidance covering those  
15 aspects of an emergency response that lend themselves to a  
16 general direction, yet require flexibility in their application  
17 so as to meet the unique circumstances of each individual  
18 emergency.

19 7514.0200 PURPOSE.

20 The purpose of parts 7514.0100 to 7514.2000 is to implement  
21 a statewide plan and system for responding to hazardous  
22 materials incidents.

23 7514.0300 SCOPE.

24 Parts 7514.0100 to 7514.2000 are intended to provide  
25 direction to state and local government and business and  
26 industry regarding the implementation of a statewide system of  
27 regional hazardous materials emergency response teams and  
28 hazardous materials chemical assessment teams. Provisions of  
29 this chapter include, but are not limited to, factors to be  
30 considered in establishing the service response area locations  
31 of hazardous materials emergency response teams and hazardous  
32 materials chemical assessment teams; requirements for  
33 designating teams in each established service response area;  
34 number and qualifications of team members; procedures for  
35 establishing equipment requirements for each team; procedures

1 for selecting and contracting for establishing teams; procedures  
2 for dispatching teams at the request of local governments;  
3 categories of costs to be used to establish fee schedules for  
4 reimbursing teams for costs arising from hazardous materials  
5 emergencies and for state recovery of response costs from the  
6 person responsible for causing a hazardous materials emergency;  
7 and methods of coordinating team response with other state  
8 departments and agencies, local units of government, other  
9 states, Indian tribes, the federal government, and other  
10 nonpublic persons.

11 7514.0400 AUTHORITY.

12 This chapter is adopted pursuant to Minnesota Statutes,  
13 section 299A.50, subdivision 1.

14 7514.0500 TEAM SERVICE RESPONSE AREAS.

15 Subpart 1. Establishing service response areas. The  
16 commissioner shall establish up to five service response areas  
17 for hazardous materials emergency response based on the factors  
18 identified in subpart 2.

19 Subp. 2. Factors for establishing service response areas.  
20 The commissioner shall consider the following factors in  
21 establishing service response areas:

22 A. the number and geographic location of fixed  
23 facilities that manufacture, use, or store hazardous materials,  
24 the accidental release of which may pose a threat to public  
25 safety or the environment;

26 B. the number of miles of primary transportation  
27 routes including highways, rail lines, commercially navigable  
28 waterways, pipelines, and airports;

29 C. the population of each county as reported by the  
30 most recently available United States Census Bureau information;

31 D. any special conditions that may be present in a  
32 given area of the state, and the need for specialized equipment  
33 unique to those conditions that might impact emergency response  
34 capability; and

35 E. other factors the commissioner considers

1 appropriate, to the extent they may contribute to the potential  
 2 for a hazardous materials release that could threaten the public  
 3 safety or the environment and thus merit an emergency response  
 4 and.

5 ~~F~~ Subp. 3. **Maximum acceptable response time.** After  
 6 considering the factors listed in subpart 2, items A to E, the  
 7 commissioner shall establish a maximum acceptable response time  
 8 for 90 percent of each primary service response area when a team  
 9 is responding in the service primary response area under  
 10 favorable weather conditions.

11 ~~Subp. 3~~ 4. **Assigning primary service response areas.**  
 12 Following completion of the team selection process identified in  
 13 part 7514.1500, the commissioner shall select a primary  
 14 emergency response team for each service primary response area.  
 15 ~~A-service-area-is-the-primary-service-area-for-the-team-so~~  
 16 ~~selected-for-that-service-area.~~

17 ~~Subp. 4~~ 5. **Serving as chemical assessment team.** Each  
 18 emergency response team shall also serve as a chemical  
 19 assessment team for all or a portion of its primary service  
 20 response area, as assigned by the commissioner.

21 ~~Subp. 5~~ 6. **Designating additional chemical assessment**  
 22 **teams.** The commissioner may select additional chemical  
 23 assessment teams for a service response area, as necessary to  
 24 provide appropriate emergency response capability, in keeping  
 25 with maximum acceptable response time considerations.

26 ~~Subp. 6~~ 7. **Assigning secondary service response areas.**  
 27 The commissioner shall ~~select~~ assign a secondary response area  
 28 to each emergency response team and ~~a-secondary~~ each chemical  
 29 assessment team ~~for-each-service-area-or-portion-of-an-area-to~~  
 30 ~~provide-additional-response-capability-within-a-service-area~~  
 31 ~~when-necessary.--A-service-area-is-the-secondary-service-area~~  
 32 ~~for-the-teams-selected-for-that-service-area.~~ A team may have  
 33 more than one secondary service response area.

34 ~~Subp. 7~~ 8. **Reviewing service response area**  
 35 **designations.** At least once every two years from the effective  
 36 date of this chapter, the commissioner shall review service

1 response area boundaries and primary and secondary service  
 2 response area designations. Following the review, the  
 3 commissioner shall adjust response area boundaries and primary  
 4 and secondary response area designations as necessary to ensure  
 5 that the most appropriate response is provided statewide.

6 ~~Subp. 8. --Adjusting service area boundaries. --Following~~  
 7 ~~review under subpart 7, the commissioner shall adjust service~~  
 8 ~~area boundaries and primary and secondary service area~~  
 9 ~~designations as necessary to ensure that the most appropriate~~  
 10 ~~response is provided statewide. --The commissioner shall~~  
 11 ~~negotiate with teams affected by an adjustment to modify the~~  
 12 ~~team contracts accordingly. --If the commissioner and a team~~  
 13 ~~cannot agree on the terms of modifying a contract, the~~  
 14 ~~commissioner and the team shall submit to binding arbitration~~  
 15 ~~conducted under Minnesota Statutes, chapter 572.~~

16 Subp. 9. Statewide response. An emergency response team  
 17 or chemical assessment team shall respond to any service  
 18 response area in the state when directed to do so by the  
 19 commissioner.

20 7514.0600 QUALIFICATIONS OF TEAM MEMBERS.

21 Subpart 1. Qualifications of all members. Each emergency  
 22 response team member and chemical assessment team member must be  
 23 in compliance with the requirements of Code of Federal  
 24 Regulations, title 29, section 1910.120, and in substantial  
 25 compliance with NFPA 472, "Standard for Professional Competence  
 26 of Responders to Hazardous Materials Incidents," published by  
 27 the National Fire Protection Association, 1 Batterymarch Park,  
 28 Quincy, Massachusetts (1992). NFPA 472 is incorporated by  
 29 reference, is located at the state law library, is conveniently  
 30 available to the public, and is not subject to frequent change.

31 Subp 2. Medical support team member. Emergency response  
 32 team members assigned to provide on-scene emergency medical  
 33 support to the team must be in compliance with the requirements  
 34 of Code of Federal Regulations, title 29, section 1910.120, and  
 35 in substantial compliance with NFPA 473, "Standard for

1 Professional Competencies for EMS Personnel Responding to  
2 Hazardous Materials Incidents," published by the National Fire  
3 Protection Association, 1 Batterymarch Park, Quincy,  
4 Massachusetts (1992), as an Emergency Medical Service/Hazardous  
5 Materials Level II Responder. NFPA 473 is incorporated by  
6 reference, is located at the state law library, is conveniently  
7 available to the public, and is not subject to frequent change.

8 Subp. 3. **Continuing education requirements.** Each  
9 emergency response team member and chemical assessment team  
10 member shall successfully complete annual refresher training  
11 that meets or exceeds the continuing education requirements of  
12 Code of Federal Regulations, title 29, section 1910.120.

13 Subp. 4. **Team training.** Each emergency response team  
14 member and chemical assessment team member shall successfully  
15 complete a the course of instruction designed to familiarize  
16 each team member with the suggested operating guidelines and  
17 other administrative and operational policies and procedures of  
18 the regional response team program identified in part 7514.0700,  
19 subpart 2. A team member must complete this training before  
20 being assigned to duty as an emergency response team member or  
21 chemical assessment team member.

22 Subp. 5. **Reviewing training and continuing education**  
23 **records.** Upon request by the commissioner, the employer of  
24 emergency response team members and chemical assessment team  
25 members shall make available the hazardous materials training  
26 and continuing education records of all team members.

27 Subp. 6. **Certifying compliance with qualification**  
28 **requirements.** The employer of each emergency response team  
29 member and chemical assessment team member shall annually  
30 certify to the commissioner that the team member has received  
31 training that meets the requirements set out in subparts 1 to 4.

32 Subp. 7. **Certifying compliance with medical requirements.**  
33 The employer of each emergency response team member and chemical  
34 assessment team member shall annually certify to the  
35 commissioner that the team member has met the medical  
36 requirements of Code of Federal Regulations, title 29, section

1 1910.120.

2 Subp. 8. Substitution of training requirements. Upon the  
3 request of the employer of emergency response team members and  
4 chemical assessment team members, the commissioner shall waive a  
5 training requirement specified in this part and replace it with  
6 a requirement or standard issued by the Occupational Safety and  
7 Health Administration or the National Fire Protection  
8 Association when the new requirement or standard replaces,  
9 meets, or exceeds the requirement to be replaced.

10 Subp. 9. Reviewing training requirements. At least once  
11 every two years from the effective date of this chapter, the  
12 commissioner shall review the most current Occupational Safety  
13 and Health Administration and National Fire Protection  
14 Association hazardous materials training requirements and  
15 standards. The commissioner shall inform the employer of any  
16 modifications from previous requirements and standards to ensure  
17 that training provided to team members meets the most current  
18 requirements and standards.

19 7514.0700 TRAINING PROGRAMS.

20 Subpart 1. Training provided by employer. The employer of  
21 emergency response team members and chemical assessment team  
22 members shall select training programs and instructional staff  
23 that are in compliance with the requirements of this chapter and  
24 shall provide that training to team members.

25 Subp. 2. Training provided by commissioner. The  
26 commissioner shall develop and provide each emergency response  
27 team and chemical assessment team with a course of instruction  
28 in applying the suggested operating guidelines of the regional  
29 response team program developed under part 7514.1000, subpart 1,  
30 and other administrative and operational policies and procedures  
31 ~~as-may-be-necessary-and-appropriate~~ of the regional response  
32 team program.

33 7514.0800 COMPOSITION OF TEAMS.

34 Subpart 1. Composition of emergency response team. Except  
35 as permitted under subpart 2, a hazardous materials emergency



1 response team must be composed of at least 30 qualified  
2 members. Twelve members of the team must be available for  
3 response at all times. Nine of the 12 members must be available  
4 as an emergency response team. Three of the 12 members must be  
5 available as a chemical assessment team.

6 Subp. 2. **Waiver of minimum composition.** The commissioner  
7 shall permit an emergency response team to be composed of fewer  
8 than 30 qualified members when the team's employer can prove to  
9 the commissioner's satisfaction that 12 members of the team will  
10 be available for response at all times.

11 Subp. 3. **Composition of chemical assessment team.** Except  
12 as permitted under subpart 4, a team designated solely as a  
13 chemical assessment team must be composed of at least nine  
14 qualified members. Three members of the team must be available  
15 for response at all times.

16 Subp. 4. **Waiver of minimum composition.** The commissioner  
17 shall permit a chemical assessment team to be composed of fewer  
18 than nine qualified members when the team's employer can prove  
19 to the commissioner's satisfaction that three members of the  
20 team will be available for response at all times.

21 Subp. 5. **Training required to respond as emergency**  
22 **response team.** The nine members of an emergency response team  
23 available to respond as an emergency response team must have the  
24 levels of training certification described in items A to C:

25 A. At least four members must be certified by the  
26 employer at the highest level of hazardous materials training as  
27 defined by Code of Federal Regulations, title 29, section  
28 1910.120.

29 B. The member assigned to provide emergency medical  
30 support to the team must be certified by the employer at a  
31 minimum of the operations level as defined by Code of Federal  
32 Regulations, title 29, section 1910.120, and currently certified  
33 or registered as an emergency medical technician by  
34 the commissioner of the Minnesota Department of Health, in  
35 compliance with Minnesota Statutes, sections 144.801 to 144.809,  
36 and rules adopted pursuant to those sections.

1 C. The remaining members must be certified by the  
2 employer at a minimum of the technician level as defined by Code  
3 of Federal Regulations, title 29, section 1910.120.

4 Subp. 6. **Training required to respond as chemical**  
5 **assessment team.** The three members of a chemical assessment  
6 team, or of an emergency response team available for response as  
7 a chemical assessment team must have the levels of training  
8 certification described in items A and B:

9 A. At least one member must be certified by the  
10 employer at the highest level of hazardous materials training as  
11 defined by Code of Federal Regulations, title 29, section  
12 1910.120.

13 B. The remaining members must be certified by the  
14 employer at a minimum of the technician level as defined by Code  
15 of Federal Regulations, title 29, section 1910.120.

16 Subp. 7. **Composition of team membership.** Emergency  
17 response teams and chemical assessment teams may be composed of  
18 personnel from one or more public or nonpublic ~~agencies~~ entities.  
19 ~~Teams composed of personnel from more than one agency~~ must  
20 designate a single point of contact for purposes of emergency  
21 dispatch ~~and~~, a single authority for contract administration,  
22 and the employer responsible for the employer requirements of  
23 this chapter.

24 7514.0900 RESPONSIBILITIES OF TEAMS.

25 Subpart 1. **Response at commissioner's direction.** An  
26 emergency response team and a chemical assessment team shall  
27 respond when directed by the commissioner to do so.

28 Subp. 2. **Primary responsibilities of emergency response**  
29 **team.** As its primary responsibility, an emergency response team  
30 shall assist local authorities by taking emergency actions  
31 necessary to protect life, property, and the environment from  
32 the effects of a release of a hazardous material. These  
33 emergency actions include, but are not limited to, preventing  
34 the release, mitigating the effects of the release, and  
35 stabilizing the emergency situation.

1 Subp. 3. Primary responsibilities of chemical assessment  
2 team. As its primary responsibility, a chemical assessment team  
3 shall assist local authorities by providing technical advice to  
4 local incident commanders, and recommending mitigation actions  
5 necessary to protect life, property, and the environment that  
6 are in keeping with locally available levels of hazardous  
7 materials training and response capability.

8 Subp. 4. Additional responsibilities of chemical  
9 assessment teams. A chemical assessment team shall assist an  
10 emergency response team by responding, in conjunction with the  
11 emergency response team, to assess an incident, develop and  
12 recommend mitigation strategies, and assist with response  
13 operations.

14 Subp. 5. Support of clean-up operations. Subject to  
15 subpart 6, item A, and when requested by the incident commander,  
16 an emergency response team and a chemical assessment team may  
17 remain at the scene of a hazardous materials incident to ~~assist~~  
18 provide support to local authorities ~~with-the~~ monitoring of  
19 clean-up activities conducted by local, state, or federal  
20 agencies or the responsible person, for the purpose of ensuring  
21 public safety. The team leader will decide whether the team  
22 will remain. A team is not obligated to remain. If a team does  
23 remain, its costs are recoverable costs.

24 Subp. 6. Prohibited actions. An emergency response team  
25 and a chemical assessment team shall not:

26 A. transport, store, dispose of, or perform remedial  
27 clean-up of hazardous materials, except as may be incidentally  
28 necessary to mitigate an emergency;

29 B. assume overall command of the hazardous materials  
30 emergency; or

31 C. mitigate incidents involving explosives, explosive  
32 devices, incendiary devices, shock-sensitive explosive  
33 chemicals, or clandestine drug labs, except to respond to the  
34 effects of a hazardous materials release that might occur as a  
35 consequence of these incidents or to provide technical  
36 assistance in support of the local authority.

1           Subp. 7. **Reporting and documentation.** An emergency  
2 response team and a chemical assessment team shall submit to the  
3 commissioner a detailed report of its response to an incident.  
4 The report must be prepared in a manner and form prescribed by  
5 the commissioner and, at the minimum, must include:

6           A. a list of all equipment used and personnel who  
7 responded;

8           B. a description of all emergency actions taken;

9           C. a copy of the site safety plans developed during  
10 the response; and

11           D. completed cost recovery forms.

12           Subp. 8. **Notification upon completion of response.** When  
13 an emergency response team or chemical assessment team has  
14 completed its response to an incident, the team leader, acting  
15 on behalf of the commissioner, shall notify the commissioner of  
16 the Pollution Control Agency as required under Minnesota  
17 Statutes, section 299A.50, subdivision 3. The commissioner of  
18 agriculture must also be notified for incidents where the  
19 Department of Agriculture has jurisdiction.

20 7514.1000 ESTABLISHMENT OF SUGGESTED OPERATING GUIDELINES.

21           Subpart 1. **Initial guidelines.** Before implementing the  
22 team program, the commissioner shall establish suggested  
23 operating guidelines that will guide the response actions of  
24 emergency response teams and chemical assessment teams. The  
25 guidelines must comply with the requirements of Code of Federal  
26 Regulations, title 29, section 1910.120, and substantially  
27 comply with the requirements of NFPA 471, "Recommended Practice  
28 for Responding to Hazardous Materials Incidents," published by  
29 the National Fire Protection Association, 1 Batterymarch Park,  
30 Quincy, Massachusetts (1992). NFPA 471 is incorporated by  
31 reference, is located at the state law library, is conveniently  
32 available to the public, and is not subject to frequent change.

33           Subp. 2. **Review and revision.** At least annually, the  
34 commissioner shall review and, when necessary, revise the  
35 suggested operating guidelines established under subpart 1.

1 7514.1100 EMERGENCY PREPLANNING.

2 Subpart 1. **State agency.** Upon a request by the  
3 commissioner, a state agency shall give the commissioner  
4 hazardous materials storage information that the agency has  
5 collected from regulated facilities. The commissioner shall  
6 make a request under this subpart when the request is initiated  
7 by a team. The commissioner may direct the agency to give the  
8 information directly to the appropriate team or teams. This  
9 subpart does not apply if the agency is prohibited from  
10 disclosing this information by federal or state law.

11 Subp. 2. **Local government.** Upon a request by the  
12 commissioner, a local emergency response agency shall give the  
13 commissioner information necessary to support a team response to  
14 an incident within the agency's jurisdiction. The commissioner  
15 shall make a request under this subpart when the request is  
16 initiated by a team. The commissioner may direct the agency to  
17 give the information directly to the appropriate team or teams.  
18 Information that may be requested by the team includes:

19 A. copies of any facility preplans prepared at the  
20 discretion of the agency;

21 B. a copy of the agency's hazardous materials  
22 emergency response plan prepared in accordance with Code of  
23 Federal Regulations, title 29, section 1910.120;

24 C. a statement describing the agency's level of  
25 hazardous materials training;

26 D. resources available locally to support hazardous  
27 materials response actions; and

28 E. any other information reasonably needed by the  
29 teams.

30 Subp. 3. **Facility.** Upon a request by the commissioner, a  
31 facility required to prepare a spill prevention and response  
32 plan under Minnesota Statutes, section 115E.04, shall give a  
33 copy of the plan to the commissioner. The commissioner shall  
34 make a request under this subpart when the request is initiated  
35 by a team. The commissioner may direct the facility to give the

1 information directly to the appropriate team or teams.

2 Subp. 4. Disseminating information to teams. The  
3 commissioner shall give information collected under subparts 1  
4 to 3 to any team that requests the information. When the  
5 commissioner gives the information collected under subpart 3 to  
6 a team, the commissioner shall provide the facility with the  
7 name and address of each team the information has been given  
8 to. A team may not distribute the information collected under  
9 subpart 3 without informing the facility from which the  
10 information was obtained.

11 7514.1200 EMERGENCY RESPONSE ASSISTANCE.

12 Emergency response teams and chemical assessment teams are  
13 authorized to secure for use during an emergency response any  
14 technical assistance or specialized equipment necessary to  
15 safely and properly respond to an incident. When the incident  
16 involves explosives, explosive devices, incendiary devices, or  
17 shock-sensitive explosive chemicals, the teams must first  
18 request assistance from a Minnesota Department of Public  
19 Safety-authorized bomb squad. The cost of this assistance and  
20 equipment will be considered an actual cost of the team's  
21 response, recoverable from the responsible party.

22 7514.1300 REVIEW AND EVALUATION OF RESPONSE.

23 An emergency response team or chemical assessment team  
24 shall conduct an evaluation of a response to an incident within  
25 30 days after termination of the team's response. The team  
26 shall give all public and private agencies involved in the  
27 response the opportunity to participate in the evaluation. The  
28 team shall prepare a written report following completion of the  
29 evaluation, a copy of which must be provided to the commissioner  
30 within 15 days of the date the evaluation is completed.

31 7514.1400 SUPPLIES, EQUIPMENT, AND VEHICLES.

32 Subpart 1. Equipment for emergency response teams. An  
33 emergency response team must have immediate access to the  
34 following general categories of supplies and equipment in

1 suitable quantities to respond to anticipated hazardous  
 2 materials incidents:

- 3 A. chemical reference and emergency response manuals;
- 4 B. personal protective equipment;
- 5 C. leak-control supplies and equipment;
- 6 D. radio and other forms of communications equipment;
- 7 E. computer equipment and supporting software;
- 8 F. monitoring and detection equipment;
- 9 G. basic suppression equipment;
- 10 H. spill containment supplies and equipment,
- 11 I. assorted nonsparking hand tools;
- 12 J. basic first aid supplies; and
- 13 K. miscellaneous incident management and
- 14 administrative supplies and equipment.

15 Subp. 2. **Equipment for chemical assessment teams.** A  
 16 chemical assessment team must have immediate access to the  
 17 following general categories of supplies and equipment in  
 18 suitable quantities to respond to anticipated hazardous  
 19 materials incidents:

- 20 A. chemical reference and emergency response manuals;
- 21 B. decontamination equipment;
- 22 C. personal protective equipment;
- 23 D. radio and other forms of communications equipment;
- 24 E. computer equipment and supporting software;
- 25 F. monitoring and detection equipment; and
- 26 G. miscellaneous incident management and
- 27 administrative supplies and equipment.

28 Subp. 3. **Emergency response vehicle requirements.**  
 29 Hazardous materials emergency response vehicles used by a team  
 30 must be of sufficient size and capacity to safely transport team  
 31 personnel with properly stowed equipment and supplies to the  
 32 scene of a hazardous materials incident under reasonably  
 33 anticipated travel conditions.

34 7514.1500 SELECTION OF TEAMS.

35 Subpart 1. **Request for proposal to provide contract**

1 **services.** The commissioner shall issue a request for proposal  
2 in the form and manner established by the Minnesota Department  
3 of Administration to provide contract service as an emergency  
4 response team or chemical assessment team. Requests for  
5 proposal ~~may~~ shall be issued as necessary to provide for the  
6 needs of the team program.

7 Subp. 2. **Proposal evaluation.** The commissioner shall  
8 establish an evaluation committee consisting of at least five  
9 technically qualified individuals. The committee shall evaluate  
10 all proposals received on the basis of the criteria set out in  
11 subpart 4, with emphasis placed on the quality of the proposer's  
12 response capability. After the evaluation, the committee shall  
13 recommend proposals to the commissioner for designation as  
14 service providers.

15 Subp. 3. **Conflict of interest.** Members of the evaluation  
16 committee must not have any direct financial interest between  
17 any aspect of the team program and any respondent to the request  
18 for proposals.

19 Subp. 4. **Proposal evaluation criteria.** Proposals received  
20 in response to the request for proposal must be evaluated based  
21 upon, but not limited to, the following criteria:

22 A. the number and qualifications of each member of  
23 the team;

24 B. a plan for maintenance of minimum required levels  
25 of staffing;

26 C. the location of the proposed team within the  
27 designated primary **service response** area, including response  
28 time considerations such as access to major transportation  
29 routes, and geographic and other physical barriers to a  
30 response;

31 D. hazardous materials emergency response supplies  
32 and equipment, including vehicles, and personnel resources  
33 immediately available to the team, whether owned, leased, or  
34 available by arrangement;

35 E. hazardous materials emergency response experience,  
36 including the length of time the team has been in existence and



1 the number and variety of actual responses made;

2 F. existing and proposed training and exercise  
3 programs;

4 G. the length of time necessary for further  
5 development to bring the team to the point where it will be  
6 ready to respond;

7 H. the estimated actual costs of team response; and

8 I. the estimated period of time necessary for the  
9 deployment of the team.

10 Subp. 5. Award of contracts for provision of service.

11 Emergency response teams and chemical assessment teams will  
12 operate under contract with the state of Minnesota, in  
13 accordance with Minnesota Statutes, sections 15.061 and 299A.50,  
14 subdivisions 1 and 2.

15 Subp. 6. Term of contract for services. A contract for  
16 service may be executed for a period of up to five years.

17 Subp. 7. Contractor compensation. Contractor compensation  
18 must include an annual amount for the term of the contract,  
19 subject to negotiations between the contractor and the state and  
20 budget appropriations by the state legislature. ~~Contractor~~  
21 ~~compensation may include an amount sufficient to cover all or a~~  
22 ~~portion of~~ The contractor's proposal, submitted in response to  
23 the commissioner's request for proposal described in subpart 1,  
24 must identify the amount of compensation requested for each of  
25 the following:

26 A. the cost of capital equipment including vehicles;

27 B. the annual cost of training team personnel;

28 C. the cost of annual medical examinations for team  
29 personnel;

30 D. the initial cost of consumable supplies;

31 E. program administration costs; and

32 F. equipment maintenance costs.

33 7514.1600 EMERGENCY RESPONSE CRITERIA AND DISPATCHING.

34 Subpart 1. Emergency response. An emergency response  
35 authorized by the commissioner may include technical assistance

1 provided by a team via telephone and other means of  
2 communication or the deployment of team personnel and equipment  
3 to the scene of a hazardous materials incident.

4 Subp. 2. Criteria for authorizing emergency response.

5 Except as provided in subparts 3 and 4, the commissioner shall  
6 use the provisions of this subpart to determine whether to  
7 authorize a team response. The commissioner shall authorize a  
8 team response when all the following criteria are met:

9 A. there is a release or potential release from a  
10 transportation incident or fixed facility;

11 B. the release presents an actual or potential threat  
12 to public safety or the environment;

13 C. local emergency response personnel have been  
14 dispatched, are on the scene, and have made an initial  
15 assessment of the incident;

16 D. local authorities have determined that the  
17 response needs of the incident exceed local capabilities; and

18 E. local authorities have requested a team response.

19 Subp. 3. Alternate response criteria. The commissioner  
20 shall authorize a team response when the commissioner considers  
21 the response to be necessary to protect life, property, and the  
22 environment from the effects or potential effects of a hazardous  
23 materials release.

24 Subp. 4. Special response criteria. The commissioner  
25 shall authorize an emergency response team or a chemical  
26 assessment team response to provide standby technical assistance  
27 in support of a bomb squad response when the commissioner  
28 considers it necessary. A response under this subpart is  
29 limited to incidents involving explosives, explosive devices,  
30 incendiary devices, shock-sensitive explosive chemicals, or a  
31 law enforcement agency response to clandestine drug lab  
32 incidents. When a team responds, its costs are recoverable  
33 costs.

34 Subp. 5. Authority to request team response. Authority to  
35 request the response of an emergency response team and a  
36 chemical assessment team resides with local authorities whose

1 jurisdiction includes the scene of the hazardous materials  
2 incident.

3 Subp. 6. Procedure for requesting team. The Minnesota  
4 duty officer system is the point of contact for requesting a  
5 response by an emergency response team or a chemical assessment  
6 team.

7 Subp. 7. Canceling response en route to incident. Team  
8 response may be canceled en route to an incident only by the  
9 local authority that initially requested the response.

10 Subp. 8. Terminating team response actions for safety  
11 reasons. The team may terminate response actions at an incident  
12 without direction from the incident commander when the team  
13 leader or safety officer determines that the ordered response  
14 actions would place team personnel in imminent danger.

15 Subp. 9. Terminating team response at conclusion of  
16 incident. Team response may be terminated at an incident upon  
17 the direction of the local incident commander, or as provided in  
18 subpart 8 or part 7514.0900, subpart 5.

19 Subp. 10. Deployment time. The average deployment time  
20 for emergency response teams and chemical assessment teams must  
21 not exceed 15 minutes.

22 7514.1700 COST RECOVERY.

23 Subpart 1. Submitting claim for team response costs.  
24 Regional teams shall submit to the commissioner claims for  
25 reimbursement of reasonable and necessary costs incurred as a  
26 result of a ~~regional~~ response in the manner and form identified  
27 in part 7514.0900, subpart 7.

28 Subp. 2. Team response costs; payment and recovery. The  
29 state shall reimburse regional teams for reasonable and  
30 necessary costs of a ~~regional~~ response after receipt of a  
31 properly filed claim. The state shall recover the team's costs,  
32 and the state's legal and additional court costs, from the  
33 responsible person.

34 Subp. 3. Team response costs eligible for recovery.  
35 Reasonable and necessary team response costs associated with an

1 actual response by a team may be recovered by the team from the  
2 state and by the state from the responsible person. Costs  
3 eligible for recovery include:

- 4 A. team personnel costs;
- 5 B. additional wage costs for local callback  
6 personnel;
- 7 C. vehicle operating costs;
- 8 D. cost of consumable supplies used;
- 9 E. repair or replacement of damaged or destroyed  
10 capital equipment;
- 11 F. communications costs, including long distance and  
12 cellular telephone charges;
- 13 G. administrative costs;
- 14 H. cost incurred in the use of specialized equipment  
15 as provided in part 7514.1200;
- 16 I. cost incurred in the use of special technical  
17 assistance as provided in part 7514.1200;
- 18 J. costs associated with providing support to  
19 clean-up operations when requested in accordance with part  
20 7514.0900, subpart 5;
- 21 K. costs associated with providing standby technical  
22 assistance when requested in accordance with part 7514.1600,  
23 subpart 4; and
- 24 L. other direct costs incurred by the team as a  
25 result of the response.

26 Subp. 4. **Billing responsible person for costs.** The  
27 commissioner shall bill the responsible person for eligible  
28 response costs after receipt of a properly filed claim. If the  
29 responsible person fails to pay the bill in full within 30 days  
30 of its issuance, the commissioner shall issue subsequent  
31 billings. Billings must include interest, at the judgment rate  
32 currently charged by the state, per month on the unpaid  
33 balance. If payment in full is not made within 60 days of the  
34 issuance of the first bill, the commissioner:

- 35 A. shall contact the responsible person in an attempt  
36 to resolve the claim; and

1           B. may bring legal action to recover any unpaid  
2 balance.

3           Subp. 5. Right to appeal costs billed. A responsible  
4 person that disagrees with a billing for response costs may file  
5 a written appeal with the commissioner. The appeal must be  
6 filed within ~~±5~~ 30 days of the billing. The written appeal must  
7 clearly state what portions of the billing are being appealed  
8 and the basis of the appeal. The commissioner shall review each  
9 appeal and issue a written determination within a reasonable  
10 time affirming, amending, or rescinding the disputed costs. A  
11 responsible person may withhold the amount of the billing in  
12 dispute while an appeal is pending. The responsible person must  
13 not be assessed interest on the disputed amount while the appeal  
14 is in process, unless the commissioner determines that the  
15 appeal is solely for the purpose of delay. ~~The decision to~~  
16 ~~dispatch a team, and the response decisions made by a team, are~~  
17 ~~not subject to appeal.~~ Any person aggrieved by a decision made  
18 by the commissioner under this subpart may proceed before the  
19 commissioner as with a contested case in accordance with the  
20 administrative procedure act.

21           Subp. 6. Costs not eligible for payment or recovery by  
22 commissioner. The commissioner shall not pay or recover from  
23 the responsible person response costs incurred by the local  
24 jurisdiction that requested the response of a regional team.

25 7514.1800 COORDINATING RESPONSE ACTIVITIES.

26           Subpart 1. Incident management system. The team leader  
27 shall coordinate the on-scene emergency response operations of  
28 the teams with local, state, and federal agencies, Indian  
29 tribes, and private response organizations through the Minnesota  
30 incident management system.

31           Subp. 2. Coordination with local authorities. A local  
32 authority shall provide assistance to team operations in the  
33 authority's jurisdiction, which are necessary to the response  
34 and in keeping with local emergency operations plans, local  
35 emergency response plans, and the level of hazardous materials

1 training required of the authority by the Occupational Safety  
2 and Health Administration.

3 Subp. 3. **Coordination with state agencies.** A state agency  
4 shall provide assistance to team operations that is necessary to  
5 the response and is in keeping with the agency's role as  
6 identified in Governor's Executive Order 93-27, "Assigning  
7 Emergency Responsibilities to State Agencies," and any future  
8 orders replacing or revising this order, and implemented by the  
9 Minnesota emergency operations plan.

10 Subp. 4. **Coordination with responsible person.** A  
11 responsible person shall provide assistance to team operations  
12 that is necessary to the response, upon a request by the  
13 incident commander or team leader, in keeping with the  
14 responsible person's level of training and emergency response  
15 plans.

16 Subp. 5. **Coordination with other states and federal**  
17 **government.** The emergency response actions of the teams must be  
18 coordinated with those of federal agencies and other states in  
19 accordance with the emergency response plans authorized by  
20 United States Code, title 42, section 9605, National Contingency  
21 Plan, as amended; United States Code, title 33, section  
22 311(c)(2), Clean Water Act, as amended; and United States Code,  
23 title 33, section 2701, Oil Pollution Act of 1990.

24 Subp. 6. **Coordination with Indian tribes.** Subject to  
25 negotiations with Indian tribes located in the state of  
26 Minnesota, the commissioner shall enter into agreements with the  
27 tribes as necessary and appropriate to establish procedures for  
28 team response to incidents occurring on tribal lands.

29 Subp. 7. **Coordination of team operations.** The  
30 commissioner, in consultation with the State Fire Marshal and  
31 director of the Division of Emergency Management, shall develop  
32 and implement a management plan that identifies the primary and  
33 support responsibilities of each, and clear lines of  
34 accountability.

35 7514.1900 MUTUAL AID AGREEMENTS.

1 The commissioner may enter into mutual aid agreements with  
2 federal agencies, other states, and Indian tribes, ~~and Canadian~~  
3 ~~provinces~~ for the purpose of supporting the hazardous materials  
4 response of either jurisdiction, as provided in Minnesota  
5 Statutes, section 299A.50, subdivision 2.

6 7514.2000 LIABILITY AND WORKERS' COMPENSATION COVERAGE.

7 For the purposes of Minnesota Statutes, chapter 176, and  
8 section 3.736, coverage is initiated once a team is activated by  
9 the state, for operations authorized by the state, and ~~is~~  
10 ~~extended-until~~ the team is ~~back-in-quarters-and-out-of-service~~  
11 ~~from-the-original-call~~ outside its geographic jurisdiction.