

EPA Emergency Response Region 5 Tribal Operations Committee

**Host: Lac du Flambeau Band of
Lake Superior Chippewa Indians**

- Case Examples: * Burlington Northern Santa Fe Coal Train Derailment
Cloquet, Minnesota
 - * Magellan Pipeline Release, Cottonwood, MN
 - * Prairie Island Indian Community Pre-Flood meeting.
- Tribal Talking Circle Notifications Fact sheet,
- Fond du Lac TTX, Enbridge Pipeline
- Twin Cities Sub-Area Plan: Tribal Roles and Responsibilities

**EPA Government-to-Government Assistance
Technical Support for the Fond du Lac Tribe**

Burlington Northern Santa Fe Coal Train Derailment
February 16, 2019
Cloquet, Minnesota

On February 16, 2019 at 11:25 am, approximately 40 rail cars carrying coal were derailed near Cloquet (Brookston) Minnesota. Approximately 10 coal trains derailed into the river or on the embankment with a loss of approximately 4,320 tons of coal. The derailment occurred on tribal reservation land and the St. Louis River.



Photo: Fond Du Lac Tribe

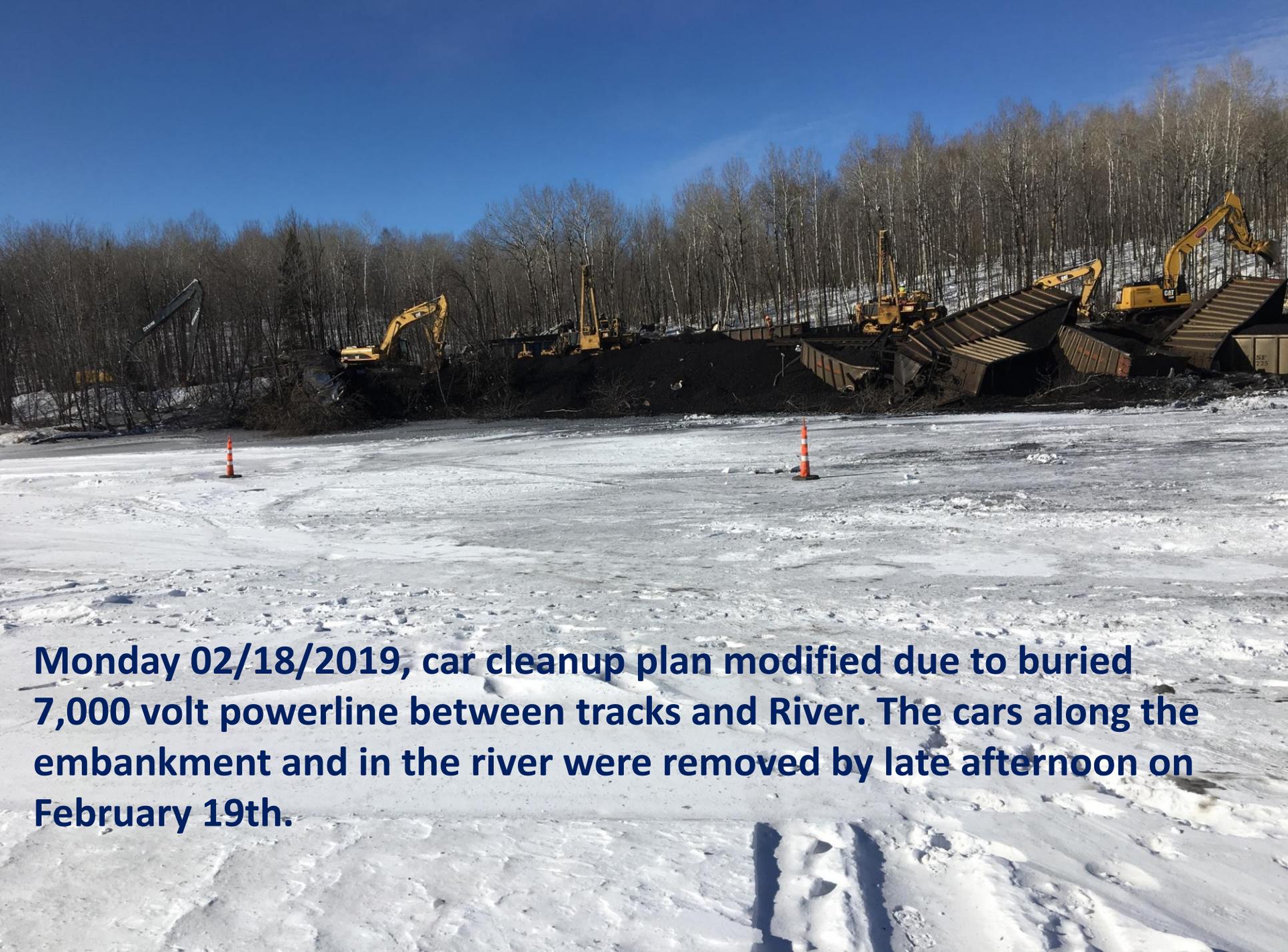
EPA R5 met with Fond du Lac Tribal Officials, Cloquet Fire/Rescue, and BNSF environmental staff at the FDL EOC to discuss response efforts. No unified command was established by BNSF representatives and late notifications to tribal officials led to multiple concerns and little opportunity for Tribal officials to provide oversight of the response.



BNSF Track was reopened next day, Sunday 02/17/2019



Photo: Steve Kuchera / Forum News Service



Monday 02/18/2019, car cleanup plan modified due to buried 7,000 volt powerline between tracks and River. The cars along the embankment and in the river were removed by late afternoon on February 19th.

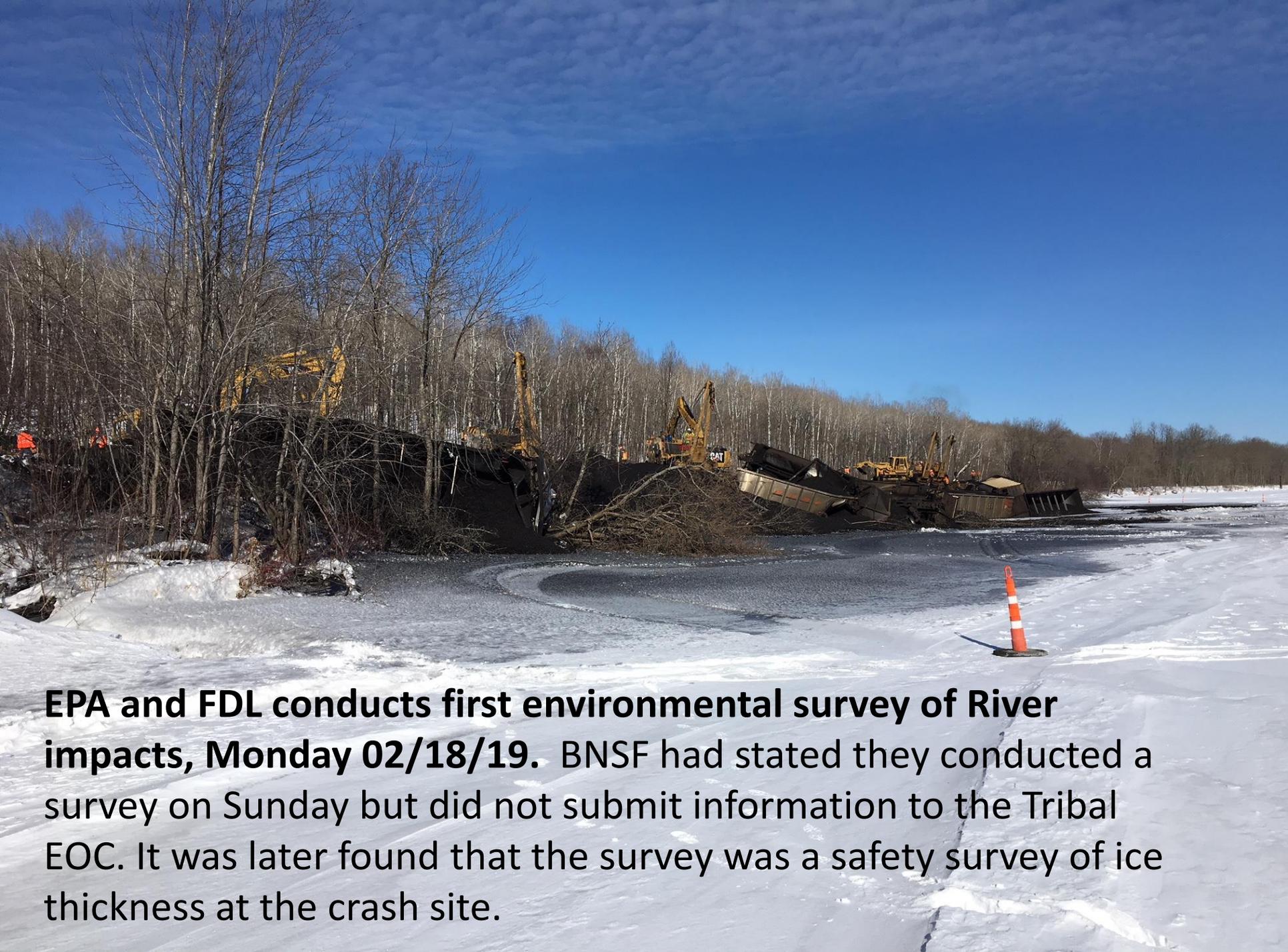
Air Monitoring. None Conducted

- OSHA **Particulates**, PEL Coal dust 2.4 to 5 mg/m³ respirable dust depending on SiO₂ percentages.
- Potential additional concerns from **Dust Control Agents** (three SDSs supplied initially, informed on day three that “none were used” on this shipment)
- Dustreat DC6109;
 - Corrosive alkaline pH 8.1, severe eye irritation/damage, Formaldehyde, methanol, Sodium Olefin Sulfonate, aquatic toxicity
- Dustreat DC9163E;
 - Ph 5, temporary eye irritation, aquatic toxicity
- Dustreat DC9144;
 - pH 10.7, 0.4% VOCs (acrylamide), ammonia and volatile amines, temporary eye-lung irritation, aquatic toxicity.

Safety Note: Fire Chief was not supplied with the safety plan or information about site access (ingress/egress for injured person rescue) until Tuesday.



Rescue Contractor staged on the ice.



EPA and FDL conducts first environmental survey of River impacts, Monday 02/18/19. BNSF had stated they conducted a survey on Sunday but did not submit information to the Tribal EOC. It was later found that the survey was a safety survey of ice thickness at the crash site.



Streambank Springs from Tribal hillsides
upstream of crash site.

Two Additional Springs found downstream



MN DNR Mussel survey 2000, *Legumia Recta* (Black Sandshell) mussels found at the site.

Resources at Risk: BNSF contractors did not provide sensitive environmental assessment information to the tribal EOC. BNSF also did not ask the tribe for any Tribal Environmental Knowledge (TEK) about the site. They were specifically asked to do so earlier in the response.



Cars Removed from embankment and coal recovery. Tuesday afternoon 02/19/2019

EPA worked with the FDL Tribe and BNSF environmental staff to develop a water quality sampling plan. EPA and the START contractor along with tribal environmental staff collected river samples for analyses .

FIELD PARAMETERS:

pH,
Temp
Turbidity
DO
Spec. Cond.
Ox Red Pot.

Optional/Future:

Bromide/Chloride anions
TSIN
Diss Org Carbon
Tota Org Carbon
PAHs – Total. And Ca.

Analytical Samples

Sulfate Anions
Sulfur/Sulfide
TSS
TDS
RCRA 8 Metals
– Total & Dissolved

LL Mercury

EPA/START and FDL Tribal
Environmental Staff collecting
Water Quality Samples
downstream. 02/19/19



Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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Cloquet, MN 55720
Phone (218) 879-4593
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Chairman
Kevin R. Dupuis, Sr.

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. 1 Representative
Wally J. Dupuis

February 19, 2019

Amy C. Hawkins
Vice President, Government Affairs
BNSF Railway
500 New Jersey Avenue, NW
Suite 550
Washington, DC 20001

Re: Tribal Authority and the Current Situation at BNSF Train
Derailment Site

Dear Ms. Hawkins:

On behalf of the Fond du Lac Band of Lake Superior Chippewa, I write

Of deeper concern, BNSF initiated its own operations and heavy equipment missions on and around the derailment site without any contact with us whatsoever, blatantly disregarding the jurisdictional government authority of the Fond du Lac Band, our established Emergency Operations Plan, and our ordinances. BNSF personnel on-site have continued to operate in a non-cooperative and disrespectful manner, willfully leaving our administration, government department leaders, and critical responders out of site management communications and planning meetings, while attempting to actually restrict our personnel's access to the site and essential information.

Two weeks later, March 6th, EPA conducted a site visit to help bring recommendations on coal cleanup and contaminated Ice recovery operations.

EPA provided a summary of observations and recommendations. Among them:

- Disturbed areas of forest floor not to be further damaged,
- Sediment and erosion control measures that needed to be initiated before snowmelt.
 - Expedited NPDES construction stormwater permit for tribal lands,
- River cleanup with minimal disturbance of sediments and River embankment cleanup and stabilization.



Magellan Pipeline Release 04/24/2019

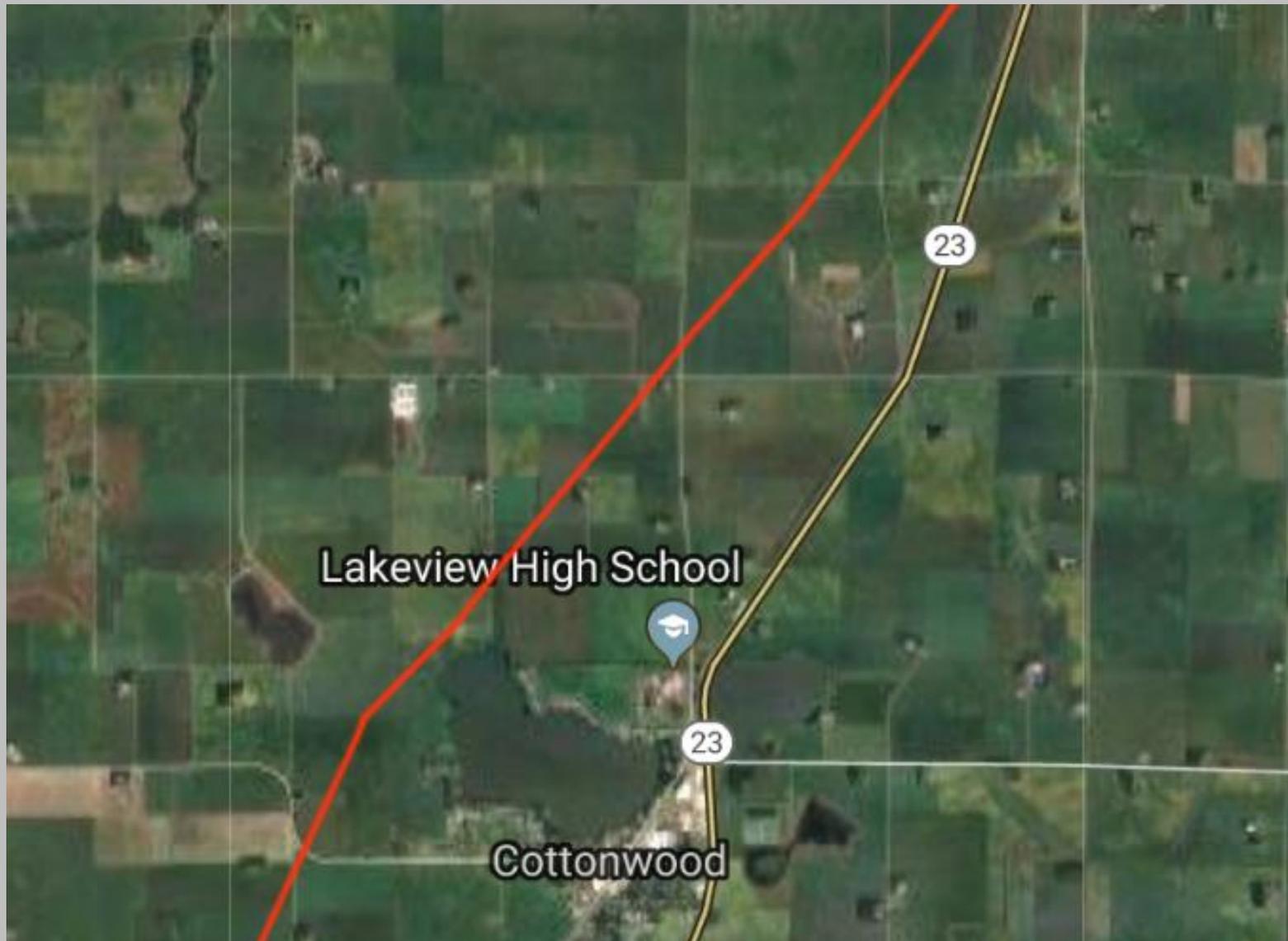
On Wednesday, April 24, 2019 at 20:26 hrs. Magellan pipeline experienced a loss of pressure in an 8-inch pipeline carrying diesel fuel (initial estimate 63,000 gallons) near Cottonwood, Minnesota. The pipeline was punctured directly over judicial ditch 24 and the release estimate was revised to 200 barrels (8,400 gallons). The oil flowed approximately 10 miles into the Yellow Medicine River. The Yellow Medicine River flows into the Minnesota River. The final estimate of the release after inventory reconciliation was 93 bbls (4,000 gallons).



Discharge was directly over the Judicial Ditch.

Local Fire Department put a clamp/seal on the leak using Sewer pipe equipment (Likely 25 PSI, down from 300 PSI, pipeline was inactive, under static pressure only.)

Release occurred within a few hundred feet of Cottonwood Lake, but at the outfall.

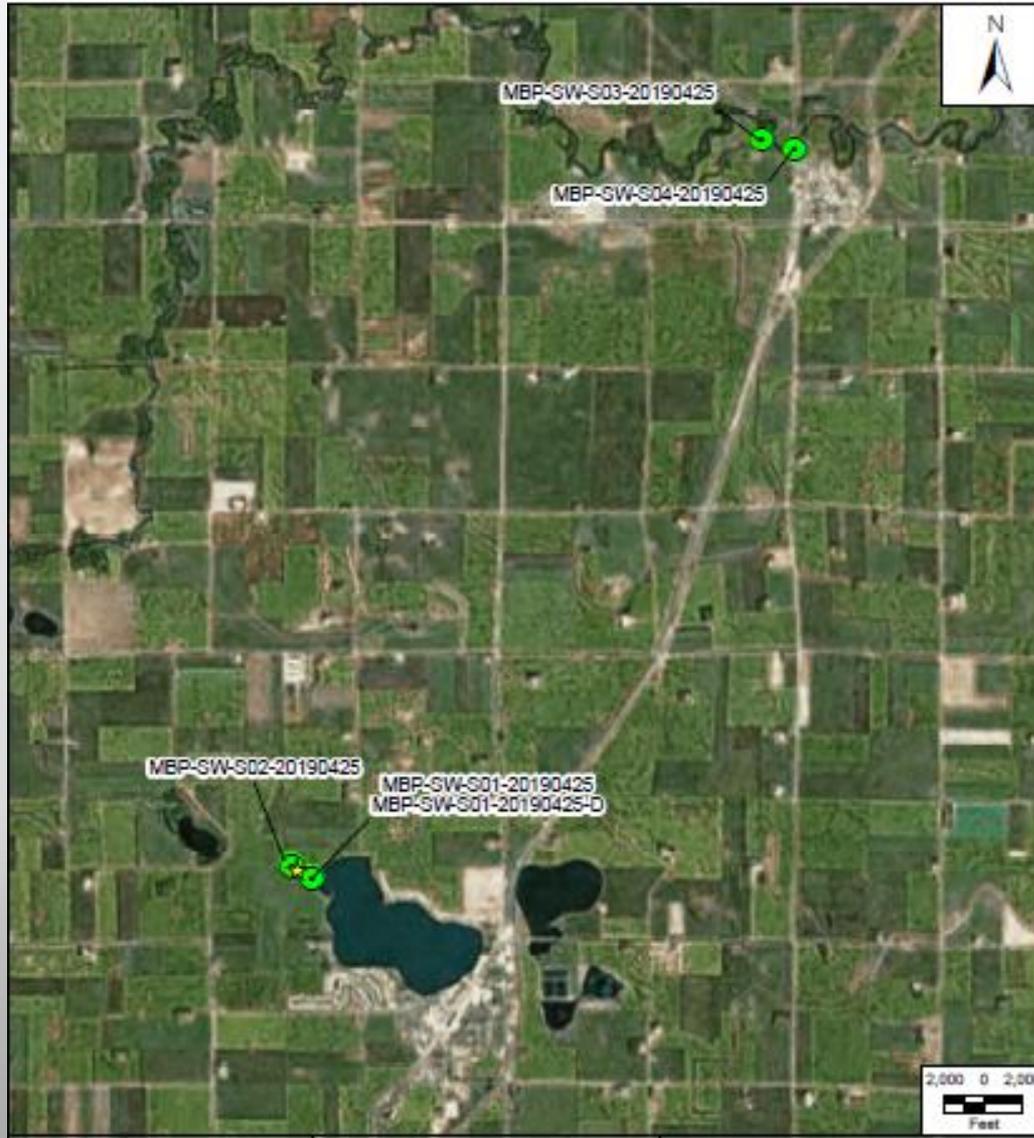


Magellan hired 3 response contractors and placed approximately 3,300 feet of containment boom at 4 collection locations downstream from the release. Recovery included vacuum trucks and absorbent boom. Repairs were made to the pipeline and pressure testing was conducted on Saturday afternoon, April 27. Approximately 100 cubic yards of petroleum contaminated soils were excavated from the spray area near the pipeline under oversight from the State of MN.





EPA and the START Contractor Conducted Reconnaissance and collected water quality samples from the Ditch/stream and the Yellow Medicine River.



TRIBAL NOTIFICATIONS

The YMR flows through Upper Sioux Agency State Park, a cultural heritage site just to the south of the Upper Sioux Tribal Reservation Lands.

- The Department of Interior identified tribal stakeholders (by their affected counties listing) to the OSC and potential tribal stakeholders were notified through the Pollution Report (Sitrep).



The Following Tribes were notified through the Pollution Report:

Upper Sioux Community

Lower Sioux Community

Prairie Island Indian Community

Iowa Nation, Iowas/Bah Kho-je

Spirit Lake Nation

Fort Belknap Indian Community

Cheyenne & Arapaho Tribes

Santee Dakota Tribe

Flandreau Santee Sioux Tribe

Sisseton Wahpeton Oyate Tribe

Menominee Indian Tribe of WI

Contacts from the Lower Sioux Community contacted EPA about impacts to the Minnesota River.

Prairie Island Indian Community Pre-Flood Coordination Meeting.

March 18, 2019

EPA attended a pre-disaster site visit and meeting to discuss federal support for flood preparedness and disaster cleanup with Tribal, State and Local Officials.

EPA can assist with:

- Protections and recovery of WWTP, Public Water Supply Systems, and USTs.
- Disaster debris management assistance (non-Stafford Act declaration or Stafford Act-FEMA mission assignment).
- Oil and hazardous substance releases.

There was no request for EPA assistance, but EPA did provide a fact-sheet on flood-mud and used sandbag management (what to do with 15,000 used sandbags after the waters recede).

Contact: Schyler Martin
Emergency Management Coordinator,
Prairie Island Indian Community

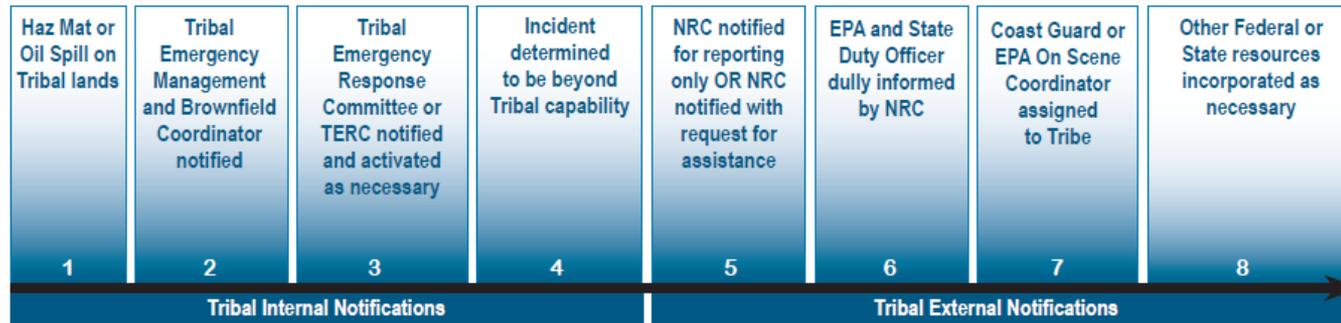


Photo: Hastings Star Gazette

Tribal Talking Circle Notifications Fact sheet, 2018.

Steps for Tribal Reporting of Pollutant Discharges and Releases

National Response Center (NRC): 1-800-424-8802



Federal Authority:

Title 40, Chapter I, Subchapter J, Part 300, Subpart B, Section 300.125 of the Code of Federal Regulations (CFR) requires all pollution incident reporting go the National Response Center (NRC). The NRC is a part of the federally established National Response System and staffed 24 hours a day by the U.S. Coast Guard. It is the designated federal point of contact for reporting all oil, chemical, radiological, biological and etiological discharges into the environment, anywhere in the United States and its territories.

Oil

Report a Sheen:

Title 40, Chapter I, Subchapter D, Part 110, Section 110.3 (a)&(b) designates the harmful quantity of oil discharged that must be reported as a "sheen" or "sludge". Reporting is also required if the spill violates an oil-related tribal water quality standard.

Hazardous Substances

Report a Chemical Spill:

40 CFR.125 (c) of the NCP requires that the notice of a releases of a hazardous substance must be made immediately IF...the quantity spilled is equal to or greater than a "reportable quantity" as established in rule for that chemical.

Tribes can also receive spill notifications from the NRC (with NRC agreements in place).

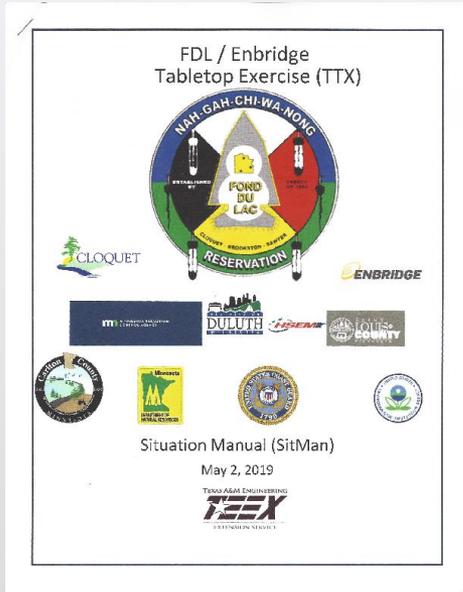


Monte Fronk
Emergency Management Coordinator
Mille Lacs Band Reservation Districts

Oil Spill Tabletop Exercise

Fond du Lac Tribe of Lake Superior Chippewa

May 2, 2019



Simulated Catastrophic Failure of Enbridge Line 67. -
Conventional heavy crude oil release,
- Impacts to 10 miles of Tribal Stream (Stony Brook),
- Final Discharge is St. Louis River.

Exercise Goal 1: Promote executive-level dialogue and decision making within a crisis.

Minneapolis-St. Paul Sub-Area Plan Defining Roles in an ER



Tribal Representatives can provide support to an oil or hazardous substance release by integrating into the response command structure at various levels, including Unified Command, or can support the response with subject matter experts in the various general staff level positions. Cultural and natural resource consultations are typically supported through the environmental unit or as an agency rep under the Liaison Officer. The Tribal representative's responsibilities include notifications to tribal councils and coordinating the council's involvement in the decision making process for the Incident.



GREGORY HAYES
Director of Public Safety • Fire Department
Shakopee Mdewakanton Sioux Community