



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

## Summary of Findings

November 30, 2011

Re: **Summary of Findings of the BNSF Response and Coordination during the February 26, 2011, train derailment and caustic soda (sodium hydroxide) spill.**

### Overview

Under the **Oil and Hazardous Substance Spill Prevention and Response Act** (RCW 90.56.020), the director of the Washington Department of Ecology (Ecology) is the head of the state Incident Command System (ICS) in response to a spill of oil or hazardous substance to state waters and is charged with coordinating the response efforts of all state agencies and local emergency response personnel. The director has delegated this authority to spill responders in the Spill Prevention, Preparedness, and Response Program of Ecology.

The **Northwest Area Contingency Plan** (NWACP) acts as Washington State's Statewide Oil and Hazardous Substance Spill Response Plan under RCW 90.56.060, as well as the response plan adopted by the U.S. Coast Guard (USCG), the U.S. Environmental Protection Agency, and three Northwest states including Washington. Under the NWACP, Ecology is designated as the lead state agency for responses to spills of hazardous substances.

Under the **Dangerous Waste Regulations** (WAC 173-303-145(1)), a transporter who discharges a hazardous substance during transportation is considered a responsible party. WAC 173-303-145(3)(a)(i) requires the responsible party to take such actions as required or approved by federal, state or local officials acting within the scope of their official responsibilities.

Under the **Hazardous Materials Incidents Act** (RCW 70.136.030), hazardous materials Incident Command Agencies (ICA) are designated for each applicable political subdivision of the state. RCW 70.136.055 incorporates by reference RCW 4.24.314, which states:

Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional action as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all applicable federal and state laws and regulations.

### Incident Timeline

On February 26, 2011, 13 rail cars on a northbound BNSF Railway Company (BNSF) freight train derailed near milepost 13.12 at Pioneer (University Place, Pierce County). Four of the cars were tank cars fully loaded with sodium hydroxide in a 50% solution. One of the tank cars was damaged and discharged sodium hydroxide to the shoreline of Puget Sound.

The first 911 call was made at 2002 hrs and by 2010 hrs the first fire department units were responding. The University Place Fire Department was the designated ICA based on the location of the derailment. Because the University Place and Lakewood fire departments were just days away from merging into the West Pierce Fire and Rescue Department, the Lakewood Fire Department also responded. In addition, the Pierce County Sheriff's Department, Pierce County Hazardous Incident Team, Anderson Island Fire Department (fireboat), and King County Sheriff's Department (helicopter) were mobilized and responded to the incident.



At 2031 hrs a Pierce County Sheriff's Department dispatcher reported the derailment to the National Response Center (NRC) (Report #968641), which subsequently provided the initial notification of the incident to federal and state agencies at approximately 2047 hrs (including the USCG Sector Puget Sound and the Washington State Emergency Management Division [EMD]). At 2056 hrs BNSF reported the derailment to EMD (Report #11-0582) and then at 2104 hrs to the NRC (Report #968642).

Ecology was notified of the incident via EMD at approximately 2052 hrs and was provided with information that was reported by the Pierce County Sheriff's Department. Ecology received a second notification about the incident via EMD following the 2056 hrs BNSF notification to EMD. An Ecology spill responder arrived at the fire department command post located at the Chambers Bay Central Meadow Trail parking area at approximately 2215 hrs. USCG arrived on scene sometime after 2300 hrs. No BNSF personnel directly involved with the response to the derailment were at the fire department's command post.

At 2300 hrs an incident briefing and planning meeting for site entry and assessment was conducted. A BNSF representative was requested to participate through an on-scene uniformed BNSF law enforcement official but no BNSF representative involved in the derailment response came to the incident briefing. Local, state, and federal responders did not know who was participating on BNSF's response team, their level of training nor their plan of action.

Because fire department officials serving as the designated ICA and other responders believed the derailment area to be clear of any assessment or response operations, an entry team comprised of fire fighters was sent in at 2345 hrs.

At 2330 hrs a BNSF environmental representative was contacted via telephone by Ecology, and at 2350 hrs he arrived at the command post. At that point, reliable communication was finally established between the BNSF response team and ICA. At the same time (2350 hrs), fire department hazardous materials team members were entering the derailment scene and BNSF began moving rail cars creating a potentially dangerous situation.

### **Finding**

Based on Ecology's finding, BNSF responders failed to coordinate with and act under a plan approved by local and state responders as required by RCW 4.24.314 and WAC 173-303-145(3)(a)(i). This failure delayed response and placed initial ICA responders in jeopardy on their first attempt to enter the scene.

### **Request for Report**

Within 30 days after your receipt of this letter, please submit a written report stating what steps you have taken or plan to take to ensure coordination with local and state responders as envisioned in chapter 70.136 RCW. The report should address the following:

1. Explain what actions BNSF officials made to identify and contact the designated incident command agency during the February 26, 2011, train derailment at milepost 13.12 (Pioneer).
2. Describe BNSF policies, procedures, and training regarding working within the ICS. This should include a clear description of specific roles BNSF personnel will fill within the ICS including Command, Command Staff (Safety, Public Information, and Liaison), Operations Section, Planning Section, Logistics Section, and Finance/Administration Section.
3. Provide a list or organization chart of BNSF employees who will fill the various ICS positions during incidents in Washington.
4. Describe any changes in policy, procedures or training instituted by BNSF regarding working within the ICS as a result of the February 26, 2011, Pioneer derailment incident.