

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

July 31, 2010

Enbridge Energy, Limited
c/o Tom Fridel
1500 West Main Street
Griffith, IN 46375

Re: U.S. EPA Notice of Disapproval of Enbridge Energy Partners' submissions in response to the Removal Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act in Docket No. CWA 1321-5-10-001

Dear Mr. Fridel:

The United States Environmental Protection Agency (U.S. EPA) has completed its initial review of the following documents submitted by Enbridge Energy Partners, Limited (Enbridge) on July 29th, pursuant to Paragraph 19 of the above-referenced Order:

Health and Safety Plan

Pipeline Repair Workplan

Sampling and Analysis Plan

Quality Assurance Project Plan;

Oil Recovery and Containment Plan

Source Release Area Remediation Plan

Remediation Plan for Downstream Impacted Areas

Waste Treatment, Transportation, and Disposal Plan

U.S. EPA disapproves each of these plans due to deficiencies in content and technical details. Specific comments are set forth below and shall be incorporated into the revised plans, pursuant to Paragraph 20 of the EPA Order. As set out below, EPA technical staff have been designated to direct Enbridge's revision of certain plans. In addition, the Incident Commander (IC), Ralph Dollhopf, has directed Enbridge to work with EPA to address a lack of information in several of the plans.

The final plans, as amended, shall be submitted to U.S. EPA by 1700 hours Eastern, August 2, 2010. U.S. EPA IC will then complete a final review. Any additional corrections of and other modifications of the plans will be made by Enbridge as directed by the IC. Enbridge is directed to provide each plan in Microsoft Word format to allow for corrections or modifications to the electronic documents.

General Comments:

U.S. EPA notes that it was unable to provide comments on certain sections, parts, or plans in their entirety because of significant deficiencies, and reserves the right to disapprove, comment, or modify, as appropriate, upon resubmission. As set out below, the final plans must be comprehensive, detailed, and include standard operating procedures and specifics on types, sizes, and volumes of materials, equipment, supplies and procedures to be utilized and implemented.

Plan-specific Comments:

A. Response to Pipeline Release Remediation Plan for Downstream Impacted Areas

1. First paragraph: add wetlands, floodplain and marshes to the areas included.
2. In the downstream impacted area remediation overview, indicate who will be assessing the downstream impacted areas.
3. *Site Assessment*: Include a description of EPA Shoreline Contamination Assessment Team (SCAT) recommendations.
4. *Impacted Area Preparation*: explain what is meant by the above description. Pre-removal survey and maintenance of existing boom and skimmer operations are not activities related to sediment removal and remediation.
5. *Remedial Actions*: in the first sentence: "riverbank remediation", Enbridge will employ the methods recommended by the SCAT teams. Do not limit remedial actions to the two described in this section. There are many techniques that may be employed. Low pressure rinsing: need to discuss booming, collection of oil that was rinsed, etc.
6. *Post remedial assessment*: who will be assessing the effectiveness of cleaning? Remove the sentence "Enbridge believes minimum disturbance of the river banks..." This is a determination that is needed from EPA SCAT teams.
8. The following language should be added to the plan:
 - Assessment: "SCAT teams will access the river banks, wetlands, flood plains and marsh areas, and other areas as appropriate and make recommendations on cleanup methods to be used, as well as priorities. It is anticipated that the following techniques will be the main methods used: low pressure rinsing; vegetation removal; vegetation and soil removal; sediment removal." The plan should reference the detailed discussions of these techniques in the National Oceanic & Atmospheric Administration/US EPA "Options for Minimizing Environmental Impacts of Freshwater Spill Response," a copy of which has been provided to Enbridge.

B. Oil Containment and Recovery Plan

1. The plan has many deficiencies. An example of the required level of detail and organization

is provided below. The plan needs to include a full description of work zones and subzones, as provided in the following example:

Example: A Objective Discussion

1. *Remove the ongoing source of crude oil....*
This was completed on _____(date).
2. *Remove the ongoing residual source....*
Berm installation (including under flow dams) was initiated on "date"; a total of "number" of berms have been installed as of "date".
To meet this objective an additional "number" of berms will be installed by "date"

Include a complete discussion for each objective called out, as shown above.

When the last objective is reached, describe the activity as in the following example:

5. *Containment and recovery of recoverable oil in "Creek", "River"...- begin discussion on strategies, i.e. A zone-based system to strategically recover oil...*
 - a. *Division A: Leak Site to Downgradient Flume*
 - *Division A consists of (describe the area)*
 - *The following resources have been deployed to the Division A site to meet this objective: x boom, x vectra, x sorbent, x personnel, etc.*
 - b. *Division B: Flume site to Fourteen Mile Rd.*
 - *Division B consists of approximately "x" river miles and has been broken up into several sub Divisions (B1, B2,...)*
 - *The following resources have been deployed to Division B to meet this objective: x boom, x sorbent, x vectra, etc.*

C. U.S. EPA Comments on Pipeline Repair Workplan

The Workplan is insufficient. The Plan needs to include a full discussion of work to be performed, the timeframe and a chart for the work to be performed, copies of any Standard Operating Procedures for techniques used and a copy of the PHMSA Order. If this is all in another plan to a different agency, attach that plan with a cover sheet describing it, and cross reference the information U.S. EPA is requesting. The Workplan "schedule", as presented appears to be a listing of documents to be provided to EPA. This did not meet the submission of a plan as directed in the order.

D. U.S. EPA Comments on Enbridge Marshall Response to Pipeline Release Sampling and Analysis Plan (for water and soil)

1. NOTE: This plan will need to be rewritten before it can be reviewed by EPA, as it is insufficient.
2. On line 2, the plan notes that the release was confirmed on July 26, 2010. However odor complaints were noted the night before. Your statement must address this information.
3. *Chemical and Physical Characterization of Soil:* on line 2, change to "verify completeness of remedial activities," on line 5 change to "and other discrete sampling locations...". Include an MSDS and an analytical profile of the exact crude in the pipeline so EPA can determine if these parameters cover all constituents specific to this waste. If U.S. EPA determines any parameters have not been represented appropriately, we will require a full scan analytical of product from the source area prior to finalization of this section of the plan.
4. *Chemical Characterization of Sediments:* Provide Standard Operating Procedures (SOPs) using U.S. EPA sampling guidance and decontamination procedures. If you propose to use

other sampling methods or decontamination procedures, explain why you propose to depart from EPA protocols. This section is insufficient- indicate clearly how cross-contamination will be prevented

5. *Chemical Characterization of Groundwater, Surface Water and Potable Water*: Add "and Water Column" to the first sentence. Samples from Talmadge Creek, the Kalamazoo River and any downstream lakes including Lake Morrow must include the entire water column as crude droplets or emulsifications may be present in the water column although no sheen is observed and no odors are present.

6. Include SOPs for low flow sampling methodology.

7. Collect tap water samples prior to use of any filtration device and describe what is meant by "sufficient time prior to sampling".

8. *Sample Testing for Waste Characterization*: This section is insufficient. List all parameters.

9. *Sample Labeling*: Need to document locations with photos

10. *Quality Assurance/Quality Control*: This section needs to reference the QAPP.

In the sentence beginning "One duplicate sample or analysis to verify...", delete "or analysis" from this sentence. Include the use of rinsate blanks for non-dedicated equipment. Further direction and clarification will be given in the QAPP review.

11. Correct spelling errors, you had the word locations misspelled: "Locaitons"

12. *Soil*: create locations using VSP or similar statistical sampling approach.

13. *Sediment*: additional sample locations may be added based on the analytical results of these locations- obtain agency input.

14. *Potable Water*: insert plan for sampling and analysis of potable water here.

15. *Sampling locations*: include a discussion with rationale for selection of sampling site locations. Include selection criteria for sampling site locations.

The nature of this emergency response effort demands an expedited and efficient review and approval process. U.S. EPA is providing the following three competent and technical resources to ensure that final comprehensive and functional plans for this project can be in place by 1700 hours on August 2, 2010:

For the review, comments, and advice on the Health and Safety plan, U.S. EPA Safety Officer Thomas Crosetto, cell phone number (312) 636-3897, is provided. Mr. Crosetto is on duty during the day shift at the site, generally from 0800 to 2000 hours. If Enbridge wishes to engage work on this plan during night shift as well, please inform U.S. EPA immediately upon determination so the we may provide an additional resource.

QAPP review and technical input will be provided by Tonya Balla, cell phone number (847) 528-2623, Weston START contractor to U.S. EPA, and will be available during the day shift as well. Again, please notify U.S. EPA immediately if additional night shift direction and rewrite facilitation by the agency is required.

All remaining plan input, review and direction will be provided by U.S. EPA On-Scene Coordinator and night shift Deputy Operations Section Chief Stephen Wolfe. Mr. Wolfe is available via cell phone at (440) 241-3620. If sufficient progress is not being made on these plans, notify U.S. EPA immediately upon that determination and we will provide another qualified individual to direct the rewrite of your plan.

U.S. EPA appreciates Enbridge's continued desire to conduct response efforts to the release from your 6B pipeline, but requires that these efforts be conducted safely, promptly, and with appropriate

resources and best technical practices. U.S. EPA will not accept further submissions of deficient plans,

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dollhopf", with a long horizontal stroke extending to the right.

Ralph Dollhopf
Federal On-Scene Coordinator and Incident Commander
U.S. EPA, Region 5

cc: L. Kirby-Miles, U.S. EPA, ORC
J. Kimble, U.S. EPA, Dep. IC, FOSC
M. Durno, U.S. EPA, Dep. IC, Section Chief
Records Center, USEPA, Reg. V