

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 17, 2010

Enbridge Energy Partners, LP
c/o Mr. Rich Adams
Vice President, Operations
Superior City Centre
Second Floor
1409 Hammond Ave.
Superior, Wisconsin 54880

Re: U.S. EPA Notice of Approval with Modifications of Enbridge Energy, Limited Partnership's August 15, 2010 submission 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. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed a review of the following revised documents submitted by Enbridge Energy, Limited Partnership (Enbridge) on August 15, 2010, pursuant to Paragraph 19 of the above-referenced Order and pursuant to U.S. EPA's request in its August 15, 2010, letters:

Source Area Response Plan
Response Plan for Downstream Impacted Areas
Sampling and Analysis Plan
Quality Assurance Project Plan

Pursuant to Paragraph 19 of the above-referenced Order, the *Source Area Response (SAR) Plan*, *Response Plan for Downstream Impacted Areas (RPDIA)*, *Sampling and Analysis Plan (SAP)*, and *Quality Assurance Project Plan (QAPP)* submitted on August 15, 2010 are hereby approved with the modifications set forth herein. Enbridge shall implement the *SAR Plan*, *RPDIA*, *SAP*, and *QAPP*, as modified, in accordance with the schedule set forth in Paragraph 19 of the above-referenced Order.

Twenty three-ring bound copies of the final *SAR Plan*, *RPDIA*, *SAP*, and *QAPP*, as modified, shall be submitted to U.S. EPA no later than 1700 hours Eastern, August 18, 2010.

General Modifications Common to All Plans

1. All references to the Unified Command (UC) and/or Incident Command (IC) shall be changed to the Federal On-Scene Coordinator (FOSC) in the *SAR Plan*, *RPDIA*, *SAP*, and in the *QAPP*.
2. Ensure consistent formatting within and among the *SAR Plan*, *RPDIA*, *SAP*, and *QAPP*.

Source Area Response Plan Modifications

1. List of Acronyms/Definitions:
 - a. Oil Saturated Soil – add “and/or a sheen, either of which is affecting or threatens to affect navigable waterways” to the end of the definition.
 - b. Residual Impacts – add “, none of which are affecting or threaten to affect navigable waterways” to the end of the definition.
 - c. Response – insert “-media and/or sheen affecting” between the existing terms “affected’ and “and”.
 - d. SCAT Team – remove the comma between USEPA and (as the FOSC).
2. Delete all references to “UC” and replace them with “FOSC” throughout the entire *SAR Plan*.
3. Section 1.2:
 - a. Remove the parentheses used in the first bullet, where Division A is defined.
 - b. In the fourth bullet where Division D is defined, replace “Angell Street” with “the Angell Street Bridge”
4. Section 1.5: Confirm and revise, if appropriate, the reference to 28,000 barrels of crude produced as of August 8, 2010.
5. Section 2.1.4: Delete “carbon monoxide (MO)” and replace it with “carbon monoxide (CO)”.
6. Section 2.3:
 - a. Second sentence: add “necessarily” between “not” and “include”.
 - b. Delete the last sentence of the first paragraph.

- c. Second full paragraph: delete “DRO” and replace it with “total petroleum hydrocarbons (TPH) diesel range organics (DRO)”; delete “GRO” and replace it with “TPH gasoline range organics (GRO)”; delete “BTEX” and replace it with “benzene, toluene, ethyl benzene, and xylenes (collectively as BTEX)”.
- 7. Section 2.9: The *SAR Plan* states that daily monitoring that will be performed. However, a duration for the monitoring was not stated in the *SAR Plan*. Therefore, the daily monitoring referenced in Section 2.9 shall continue indefinitely, until otherwise approved by the FOSC.
- 8. The last attachment included in the *SAR Plan* is mislabeled. Label the last attachment as Attachment D, not Attachment E.
- 9. Section 3.0:
 - a. Delete “U.S. FOSC” and replace it with “FOSC”.
 - b. In the last sentence of the fourth full paragraph: delete “and through Federal on-Scene Coordinator”.

Response Plan for Downstream Impacted Areas Modifications

- 1. Section 2.0, last sentence: Change the acronym from “RPDIAR” to “RPDIA”.
- 2. Section 4.0, last paragraph: Revise the second sentence to read: “Significant impacts from access will be assessed and forwarded to the landowner and to the MDA for evaluation of potential long-term impacts to a land that would preclude continued enrollment of the land prior to its contract end.”
- 3. Section 4.1.2, last paragraph: Change all uses of the word “should” throughout this paragraph to “will”.
- 4. Section 6.0, first paragraph: Add the word “and” after the words “adverse effects”.
- 5. Section 6.1.1, last bullet item: Change the word “would” to “will” in the first line and fourth lines of this bullet item.
- 6. Section 6.1.4: Delete “Every effort will be made to preserve” from the last sentence in the section.
- 7. Section 6.1.6: Change the word “cleaning” to “cleaned”.
- 8. Section 8.3, first paragraph: Delete “will be used” from the end of the third sentence.
- 9. Attachment A: Acronyms and Definitions: Please replace all references from “DIAR” to “RPDIA”.

10. Attachment B, page B-6: Change the first sentence beneath the “Impacted Area Preparation” heading to read: “Those Downstream Impacted Areas found to be adversely impacted may require a single method or a combination of techniques and methods, as recommended by the SCAT Team, including but not limited to, those identified in Tables 17, 22, 23, and/or 25 of the “Inland Oil Spills, Options for Minimizing Environmental Impacts of Freshwater Spill Response” (June 1994).”

Sampling and Analysis Plan Modifications

1. Section 4.3.3, final paragraph: Table 4.2 is incorrect, change the reference to Table 4.1
2. Section 9.0: Excess sediment generated during sediment sampling shall be handled, characterized, and disposed of as Investigation Derived Waste (IDW) in accordance with the *Waste Treatment, Transportation, and Disposal Plan*.
3. Eliminate all references to “tiers” of validation in the entire *SAP*.
4. Ensure consistency in the *SAP* to state that 90% of all samples will have Level II data packages, and the remaining 10% will have Level IV data packages.
5. Revise all summary Tables T-1 through T-3 to specify the metals included in the general category of “Metals”.

Quality Assurance Project Plan Modifications

1. Tables 1-2 through 1-7:
 - a. Accuracy and precision data for analyses of volatile organic compounds (VOC) and semi-volatile organic compounds (SVOC) in aqueous data is insufficient, given that surface water and groundwater may be impacted. Amend the *QAPP* with sufficient data.
 - b. Precision acceptance of 30 and 50 Relative Percent Difference (RPD) for every VOC/SVOC soil/sediment compound is unacceptable. Include appropriate revised RPDs.
2. Provide a list of figures, attachments, and appendices in the Table of Contents.
3. Section 1.1: Revise the last paragraph after the first bullet list to read “Air sampling and monitoring activities have been addressed in the *Air Sampling and Monitoring Plan*, dated July 31, 2010, prepared by the Center for Toxicology and Environmental Health, LLC. See Appendix A for a copy of the *Air Sampling QAPP*.”
4. Section 1.2.9: Level III data package should be changed to Level II.

5. Section 1.6.1: Change the first sentence to read "The field sampling will consist of soil, groundwater, surface water, and sediment sampling."
6. Table 1-18: Add a header to the table.

U.S. EPA appreciates Enbridge's continued work in response to the oil released from its 6B Pipeline.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Dollhopf", with a long horizontal line 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. Cahn, U.S. EPA ORC
M. Durno, U.S. EPA, Dep. FOSC, Section Chief
Records Center, U.S. EPA, Reg. V