

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

March 25, 2011

Enbridge Energy, Limited Partnership
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 Disapproval of Enbridge Energy, Limited Partnership's March 14, 2011 submittal in response to the Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and Supplement to the Administrative Order issued by U.S. EPA on September 23, 2010.

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the following document submitted by Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), and Enbridge Energy Partners, L.P. (herein collectively referred to as "Enbridge") on March 14, 2011:

Enbridge Line 6B MP 608, Marshall, Michigan Pipeline Release, Supplement to the Response Plan for Downstream Impacted Areas and the Source Area Response Plan, Commonly Referred to as the "Aerial Imagery Work Plan", Enbridge Energy, Limited Partnership, Line 6B Incident, Marshall, Michigan, March 14, 2011.

Pursuant to Paragraph 19 of the July 27, 2010 Order, U.S. EPA disapproves Enbridge's above referenced Aerial Imagery Work Plan ("Plan") submitted on March 14, 2011 due to deficiencies in content and lack of sufficient technical details. Specific comments are set forth below and shall be incorporated into a revised Plan.

Specific Comments to the Aerial Imagery Work Plan:

1. General

- a. The Plan states that areas affected by or expected to have been affected by the spill will be evaluated using the proposed aerial methods. Please specify how areas affected by or expected to have been impacted by oil from the spill will be identified prior to performing an inspection via aerial methods. This shall include, but not be limited to, overbank areas and floodplains. At a minimum, the aerial imagery assessment shall be completed to the estimated extent of inundation experienced during the oil release in July/August 2010.

- b. For floodplains that will be evaluated with aerial imagery, please define how the location and extent of floodplains will be determined and/or the source of floodplain limits (e.g. United States Geological Survey Flood Inundation Model; Shoreline Cleanup Assessment Technique reports/observations; previous aerial imagery, etc.).
 - c. Please add a statement that the areas selected for assessment via aerial imagery must be approved by U.S. EPA prior to collecting the imagery data.
 - d. Please define the process that will be used to incorporate and/or merge results from the aerial imagery data with other assessments (e.g., poling, visual inspection, coring, etc.) performed in the past, present and the future.
 - c. Please state that the overflight vehicle will have the capability for U.S. EPA and/or START personnel to accompany Enbridge personnel or contractors so that U.S. EPA can direct and observe the data collection and flight path.
 - f. Please provide additional details regarding the imagery collection plan for each of the 3 imagery technologies including, but not limited to: techniques to be used; photography standards; quality standards; and minimum weather requirements for imagery collection. A sample imagery plan (albeit for a larger release) can be found at the following website and is provided for informational purposes only: http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/2011/02/2010_10_11_AERIAL_IMAGERY_Shoreline_and_SAV_Requests.redacted.pdf
2. Section 1.0 Introduction, Paragraph 2
- a. Replace "...update the United States Geological Survey (USGS); and..." with "...update the United States Geological Survey (USGS) Inundation Model; and...".
 - b. Please clarify that the purpose of using the best available technology is to detect remaining oil in submerged sediments, shorelines, and in downstream impacted areas.
 - c. Please specify how the imagery data collection timing and techniques will be selected to enable the use of the images for comparing the vegetative cover (current and former) to estimated re-growth rates and also to aid in the estimation of recovery times for wetlands.
3. Section 2 Polarimetric Imagery (PI)
- a. Please provide a list of specific locations and areas (by mile post when possible) that will be included in the PI assessment.
 - b. Please identify all existing data (e.g. August 2010 imagery) to which the PI results will be compared.

- c. Please identify the specific contents contemplated for the referenced "end of day brief" and the "in-depth report."
4. Section 3 Light Detection and Ranging (LIDAR)
 - a. Please provide a list of specific locations and areas (by mile post when possible) that will be included in the LIDAR assessment.
 - b. Please state if control survey information is to be provided with the digital imagery data.
 - c. Define how the LIDAR images will be evaluated.
 - d. Please clarify that the 6 inch by 6 inch accuracy will result in a 1 foot contour, and that the 1 foot contour meets the most stringent requirements in the Federal Emergency Management Agency (FEMA) Accuracy Memo 61 for LIDAR and the National Map Accuracy Standards.
5. Section 3.1 Fluorescent LIDAR System (FLS)
 - a. Please provide a list of specific locations and areas (by mile post when possible) that will be included in the FLS assessment.
 - b. Please provide details about the referenced bench scale test. Please state that the bench test plan must be approved by U.S. EPA prior to implementation and that the results of the bench test must be presented to U.S. EPA prior to performing the FLS imagery collection.
 - c. Please identify the source of the "site specific oil" that will be used as a standard. Additionally, please expand the bench test and field application to include reference standards and evaluation for both unweathered (c.g., fresh) and weathered crude oil.
6. Section 4 Schedule
 - a. Please state that the proposed activity will be completed prior to Spring 2011 vegetation/leaf growth.
 - b. Please clarify whether the LIDAR, FLS and PI will be conducted concurrently or if these data sets will be collected with separate flights.
 - c. Please explain what is meant by "seasonal river conditions" and provide clarification on how these conditions could adversely affect or prevent the collection of the aerial imagery. Additionally, please provide contingency plans in the event of complications imposed by said conditions.
 - d. Please expand the Gantt Chart Schedule to include: final plan submission; plan review by agencies; oil standards collection/acquisition; bench testing; bench test

report submission; bench test report review by agencies; data collection for each of the 3 technologies; and preparation of findings report.

The revised Aerial Imagery Work Plan, as modified, shall be submitted to U.S. EPA no later than 12:00 hours Eastern, March 28, 2011. The document shall also be concurrently submitted electronically in Microsoft Word format.

If you have any questions regarding this disapproval, please contact me immediately at (231) 301-0559.

Sincerely,



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

cc: L. Kirby-Miles, U.S. EPA, ORC
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