

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

June 28, 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 Potential Non-compliance in response to the Administrative Order (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 (Supplement) --Inadequate Enbridge Response Management

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) directs 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") to revise the Response Management Plan (dated August 14, 2010). U.S. EPA requires this action pursuant to the Administrative Order ("Order") issued by the U.S. EPA on July 27, 2010, and a Supplement to Order for Compliance Under Section 311(c) of the Clean Water Act issued by the U.S. EPA on September 23, 2010 ("Supplement").

Enbridge submitted the August 14, 2010 Response Management Plan at U.S. EPA's direction following U.S. EPA's August 13, 2010 determination that Enbridge's senior management involvement on-site was inadequate and not commensurate with the needs of the response organization established to meet the objectives of the Order. Enbridge senior management involvement and participation is necessary to ensure compliance with the Order and Supplement and to ensure the most efficient and effective cleanup of Enbridge's discharge of over 843,000 gallons of oil from its Line 6B in Calhoun and Kalamazoo Counties, Michigan. Enbridge must ensure the on-site presence of senior (officer level) management.

The update to the Response Management Work Plan (RMWP) shall include, at a minimum, the components described below:

1. A detailed description of roles, responsibilities and level of authority for each of the key positions within the Enbridge management and officer team, both on-site within the ICS system and off-site;
2. Specific personnel assignments for the identified Enbridge management positions; and

3. Identification of specific Enbridge officers on-site as well as off-site, along with their roles and level of involvement with response activities.

Enbridge shall submit the Response Management Work Plan Revision described above, including an implementation schedule, to the U.S. EPA no later than 5:00 pm Eastern time on July 1, 2011. Once approved by the U.S. EPA, Enbridge shall immediately implement the RMWP.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Dollhopf', followed by 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
J. Kimble, U.S. EPA, Dep. IC, FOSC
M. Durno, U.S. EPA, Dep. IC, Section Chief
T. Edwards, U.S. EPA
S. Wolfe, U.S. EPA
M. Ducharme, MDEQ
M. Alexander, MDEQ
Records Center, U.S. EPA, Reg. V