

**FINAL**

**COMMUNITY INVOLVEMENT PLAN  
ENBRIDGE OIL SPILL SITE  
MARSHALL, MICHIGAN  
JULY 2011**

*This Community Involvement Plan is a living document and open for changes as conditions warrant.*

**CONTRACT EP-S5-06-04  
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## 1. OVERVIEW OF THE COMMUNITY INVOLVEMENT PLAN

The United States Environmental Protection Agency developed this *Community Involvement Plan* in preparation for community involvement activities to be conducted during the investigation and cleanup at the Enbridge Oil Spill site in Calhoun and Kalamazoo Counties in Michigan. This document provides information about current community concerns and presents a plan to enhance communication between local residents and EPA as the cleanup at the site progresses.

(Words appearing in **bold** are defined in Appendix A.)

The objective of community involvement is to involve the public in activities and decisions related to the investigation and cleanup of hazardous waste sites. The community involvement program promotes communication between members of the public and EPA. EPA has learned that its decision-making ability is enhanced by actively soliciting comments and information from the public. Public comment can be useful in at least two ways:

- Communities provide valuable information on local history, resident involvement and site conditions.
- By expressing its concerns, the community assists EPA in developing a response that more effectively addresses the community's needs.

The information in this plan is based primarily on interviews with local officials and residents conducted during community interviews, performed by EPA March 28 – April 1, 2011.

### 1.1 A BRIEF EXPLANATION OF SUPERFUND, EPA'S EMERGENCY RESPONSE AND REMOVAL PROGRAM

In 1980, the United States Congress enacted the **Comprehensive Environmental Response, Compensation, and Liability Act**, also called **Superfund**. CERCLA authorizes EPA to investigate and respond to hazardous substance releases that may endanger public health and the environment. Congress amended and reauthorized the Superfund law in October 1986 as the **Superfund Amendments and Reauthorization Act**. If the site poses an immediate threat to public health or the environment, EPA can intervene with an **emergency response action**.

Staff from EPA's Superfund Emergency Response and Removal Program have been overseeing the activities concerning the Enbridge Oil Spill site. The goal of EPA's Emergency Response and Removal Program is to

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protect the public and the environment from immediate threats posed by the release or discharge of hazardous substances. In this case, that involves controlling the release of oil from the site.

At the Enbridge Oil Spill site, Enbridge Energy Partners, LLP. is cleaning up the spill under EPA supervision. The cleanup is being conducted in accordance with a legal agreement, called a removal administrative order, issued to Enbridge by EPA.

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## 2. SITE BACKGROUND

### 2.1 SITE HISTORY

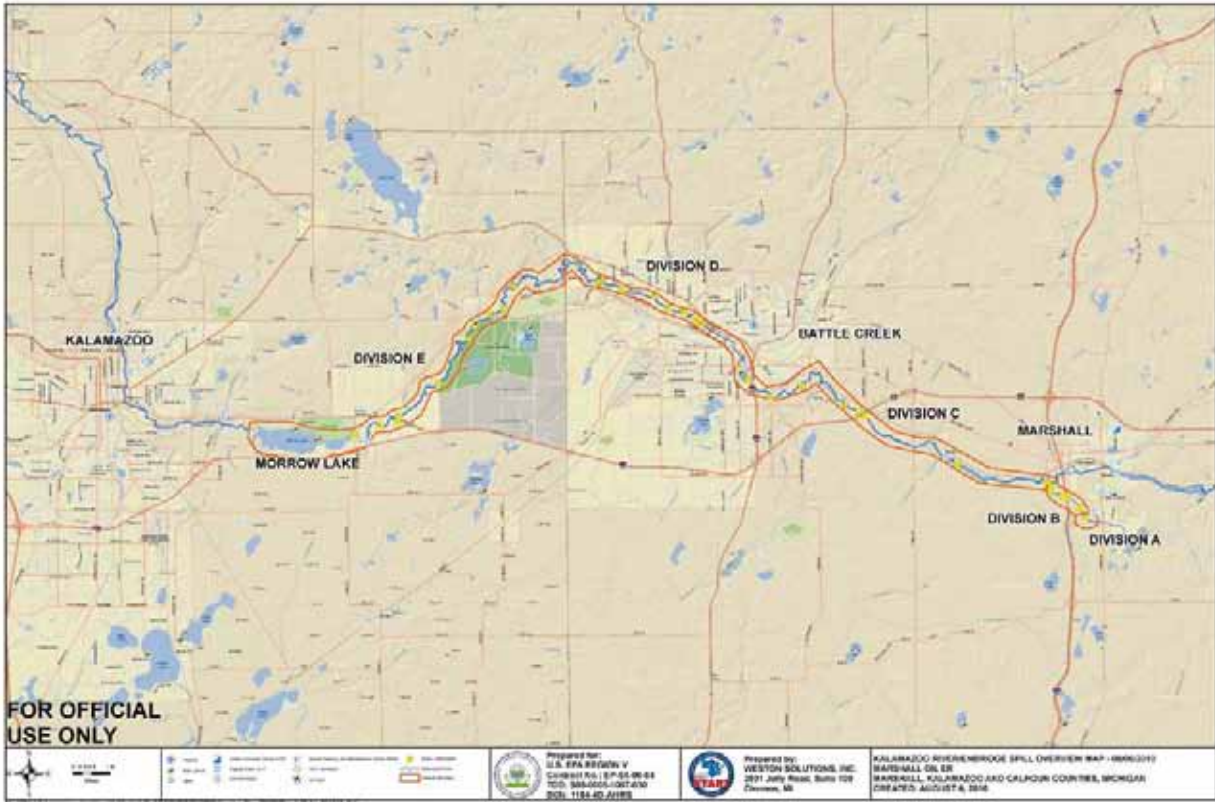
On Monday, July 26, 2010, Enbridge Energy Partners LLP reported the burst of a 30-inch pipeline near Marshall, Michigan. The company estimated 819,000 gallons of crude oil spilled into Talmadge Creek and flowed into the Kalamazoo River, a Lake Michigan tributary. Heavy rains caused the river to overtop existing dams and carried oil 30 miles downstream on the Kalamazoo River. On July 28, 2010, the spill was contained about 80 river miles from Lake Michigan. On July 27, the day after the spill was reported, EPA issued a legal order under the authority of the **Clean Water Act** directing Enbridge to conduct removal actions. EPA also ordered the company to produce documents and information relevant to EPA's investigation into the source, extent and nature of the oil spill. The spill site, between Marshall and Battle Creek, includes marshlands, residential areas, farmland and businesses.

EPA has been authorized to spend up to \$31.2 million to fund the federal government's operations in response to the spill. EPA can request additional funding from the **Oil Spill Liability Trust Fund** if it determines more is needed. The federal government intends to seek full reimbursement for all money spent on this response from the responsible party, Enbridge Energy Partners, LLP.

EPA and the other coordinating agencies will continue oversight of this cleanup until they have determined Enbridge has completed all restoration activities. In the Marshall and Battle Creek areas, that means Enbridge will be required to make good on losses the communities and the environment have suffered. Current activities include cleanup of submerged oil, or oil that is bound up in sediment, at numerous locations from Talmadge Creek to Morrow Lake that were identified in the spring of 2011; removal of shoreline and overbank surface contamination identified in spring 2011 (tar patties, stained vegetation, etc); and, excavation of impacted soil from numerous shoreline and overbank areas that remain impacted. In addition, Enbridge continues to conduct operation-and-maintenance activities at including the routine removal of oil sheen and debris at control points (boom locations) and protective containment locations established along the Kalamazoo River.

EPA continues to oversee environmental sampling performed by Enbridge, which is collecting and validating air quality, water and sediment samples in accordance with EPA guidelines and approved work plans. EPA will also maintain monitoring and sampling capability on-site.

### Figure 1 Enbridge Oil Spill Site Site Location Map



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### **3. COMMUNITY PROFILE**

#### **3.1 CALHOUN COUNTY**

Calhoun County is in southern Michigan. According to the 2000 census, Calhoun County has a population of 137,985 with a median age of 36.4 years old. About 67 percent of the households are family households with 31.7 percent of those with children under 18. About 10.5 percent of the nonfamily households are made up of people aged 65 or older. The population identifying themselves as one race, or combined with one or more other races, is predominantly white – 85.8 percent. The largest minority is African American making up another 11.9 percent of the population followed by a Hispanic or Latino population of 3.2 percent, a Native American population of 1.5 percent and an Asian population of 1.3 percent. About 5 percent of the people speak a language other than English at home with 1.9 percent indicating that they speak English “less than very well.” Residents interviewed specifically stated that there was a population of Spanish speakers in the affected community along the Kalamazoo River. According to 2009 Calhoun County records, the percent of people aged 25 years or older who have attained a high school diploma or higher is 87.9 percent. The percent of people aged 25 years or older who have attained a bachelor’s degree or higher is 19.6 percent. According to the 2000 census, about 63 percent of the population aged 16 years or older are in the labor force. Calhoun County reports that the median family income in 2009 was \$46,434 and the median value of owner occupied homes in 2009 was \$100,000. About 8 percent of families live below the poverty level. The primary industries providing employment include manufacturing and education, health and social services.

#### **3.2 KALAMAZOO COUNTY**

Kalamazoo County is in southern Michigan, west of Calhoun County. According to the 2000 census, the population of Kalamazoo County is 238,603 with a median age of 32.7 years old. About 62 percent of the households are family households with 30.4 percent of those with children under 18. About 9 percent of the nonfamily households are made up of people aged 65 or older. The population identifying themselves as one race, or combined with one or more other races, is predominantly white – 86.5 percent. The largest minority is African American making up another 10.8 percent of the population followed by a Hispanic or Latino population of 2.6 percent, an Asian population of 2.2 percent and a Native American population of 1.2 percent. About 7 percent of the people speak a language other than English at home with 2.2 percent indicating that they speak English “less than very well.” Residents interviewed specifically

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stated that there was a population of Spanish speakers in the affected community along the Kalamazoo River. The percent of people aged 25 years or older who have attained a high school diploma or higher is 88.8 percent. The percent of people aged 25 years or older who have attained a bachelor's degree or higher is 31.2 percent. About 69 percent of the population aged 16 years or older are in the labor force. The median family income in 1999 was \$53,953. About 6.5 percent of families live below the poverty level. The primary industries providing employment include educational, health and social services, manufacturing and retail.

### 3.3 CHRONOLOGY OF COMMUNITY INVOLVEMENT

In August 2010, EPA established site information repositories at the Marshall District Library in Marshall, the Helen Warner Library in Battle Creek and the Willard Public Library also in Battle Creek.

In August 2010, EPA set up a Web page for the site.

EPA published the following fact sheets about the site:

- Oil Spill: How Can I Help Wildlife or Volunteer? – August 12, 2010
- Oil Spill: How is Air Quality Affected? – August 19, 2010
- Oil Spill; Water Issues – August 19, 2010
- Oil Spill: Changes Seen As Cleanup Response Evolves – September 2010
- Oil Spill: Agencies Plan Long-Term Activities – October 2010
- Cleanup Progress – Plans for Spring Work – April 2011. This fact sheet was produced in English and Spanish and was printed in its entirety in English in the *Advisor Chronicle* and the *Battle Creek Shopper News*. Instructions were provided on how to request it in Spanish.

On August 12, 2010, the Calhoun County Public Health Department published a fact sheet about the site.

EPA has held two public meetings to update the public on the progress of the cleanup. The dates and locations of those public meetings were as follows:

- August 2, 2010 - Marshall High School in Marshall, Michigan
- August 10, 2010 - Kellogg Arena in Battle Creek, Michigan

- 2010 – Kalamazoo County Expo Center and Fairground in Kalamazoo, Michigan
- 2010 – Marshall Activity Center in Marshall, Michigan
- 2010 – Burnham Brook Community Center in Battle Creek, Michigan

Advertisements were placed in the *Battle Creek Enquirer* to announce these meetings.

EPA has held numerous news media briefings on the site.

EPA has produced numerous news releases about site activities. All the news releases can be found at the following Web address:

<http://www.epa.gov/enbridgespill/news-archive.html>

### **3.4. KEY COMMUNITY COMMENTS AND CONCERNS**

From March 28 – April 1, 2011, EPA representatives met one-on-one with Marshall, Battle Creek, Kalamazoo, Augusta, Fredonia Township and Calhoun and Kalamazoo County residents and officials as well as members of area environmental and community groups to discuss community issues and concerns regarding the contamination associated with the Enbridge Oil Spill site. EPA interviewed a total of 44 people including 18 local officials, 15 members of environmental and community groups and 11 individual residents. From these interviews, EPA developed this CIP.

The following is a summary of the major areas of concern raised during those interviews.

#### **3.4.1 Loss of River Use**

One of the biggest concerns raised by people interviewed was the closing of the river. Thirty-nine people interviewed wanted to know when the river would be open. They stated that many people use the river for fishing, kayaking, hunting, canoeing and tubing. People also use the trails and parks along the river. They said that the inability of the residents to use the river and parks has caused a lot of frustration in the community. They also said that it has caused economic losses for businesses associated with these activities. People specifically spoke about an area campground that had shut down as well as lost fees from a park on the river. In addition, the river brings tourists to the area for canoeing and other activities. The loss of the tourism has further affected area businesses. According to a few of the people interviewed, some low income

community members use the river for subsistence fishing. They expressed concern about those individuals not being able to fish for the food that they may need.

The river is also used for ceremonial gatherings for area tribes. The closing of the river has affected their ability to conduct their ceremonies.

People interviewed said that people want to know when the river will be open. A couple people said it would be nice if the kids could swim in the river again without concern.

### 3.4.2 Health Concerns

Many people interviewed expressed concern about the potential effect of the contamination on their health. Thirty-seven people expressed concern about the potential health effects associated with either the exposure when the spill first occurred or any potential long-term health effects. Many local officials said that their primary concern was the health and safety of their residents.

Twelve residents interviewed stated that either they or people they knew had health problems from the initial spill. People spoke about experiencing migraines, nausea, rashes, burning and watery eyes, and burning in the throat. One person said that she was concerned that if it burned her throat, it might harm her lungs. Several people spoke about having problems with short-term memory loss and a lack of energy since the spill and one person stated that he had high white blood cell counts that he believed were associated with exposure to the contamination from the spill. One person spoke about her dog suffering from vomiting, diarrhea and shaking at the time of the spill and said that her veterinarian had said that she had heard a lot of similar complaints. Several people interviewed said that local doctors were not associating the health problems with the spill and would not test residents. Instead they said that local doctors were referring everyone to “Enbridge’s doctors” whom residents said they did not trust. According to those residents, this was frustrating since they were convinced that the health problems they were having were due to the spill, especially because, according to them, so many people were having the same problems at the same time. A couple people said that they were frustrated that their health questions were not answered quickly or adequately enough. One individual interviewed had worked on the cleanup and also lives along the river. He expressed concern about his specific level of exposure to the oil. Another resident said that she had recently seen a child with oil from the river on his hands. This resident said that she was concerned that children are still getting into the river and getting direct exposure to the oil.

Many people interviewed also expressed concern about the potential long-term health effects associated with the spill. Fourteen people said that they want a long-term health study done. They understood that the Agency for Toxic Substances and Disease Registry would be the agency to conduct such a study, and requested that ATSDR come and do a thorough health study in the affected communities. Seventeen residents and officials said they believed that this site warrants a health study based on the length of time and the amount of exposure. They said that they will do all they can to insist that a long-term health study is done. One person said “You test the water and the air, why not the people?” A few people stated they really need to know “someone is looking out for them.” One person pointed out that there are some low income residents that do not have insurance or the money to get tested or to deal with the health problems they are having. One local health official questioned what types of health problems he should be looking for in the community. He said that he did not even know what he should be looking for.

Associated with the health concerns raised, thirteen people interviewed stated that they were concerned about the procedures for monitoring the air both during the initial spill or over the long-term. A few people said that they thought the air monitoring seemed to be “quick, drive-by” monitoring. A few others said that they did not think the air monitoring was as “wide-spread as it should be.” Still a couple questioned if the air would continue to be monitored and questioned whether what they smelled could hurt their lungs.

### 3.4.3 Ground Water Concerns

Thirty-four people interviewed expressed concern about the potential effect of the oil contamination on area ground water. Because the ground water is the source of area drinking water, residents and local municipalities stated that they were concerned about the potential for the oil to affect their drinking water in the future. People interviewed said they were concerned about both private and public wells. Officials from one municipality said that they have drinking water wells located within 200 feet of the river and concerned about what they would do if they should become contaminated. These officials said that while they are hopeful that their wells will be safe, they need to have a plan in place should the wells be affected. They said they are a small community and do not have the funds to build a test well, but they believe that is what they must do to ensure the future of their town. They further stated that they cannot wait until something happens and then react, they need to be proactive, but do not have the funds to do so. This community has a mill used for wheat processing that would likely not survive if the wells that supply the water to the mill became contaminated.

Another community also has a well in the affected area and officials there are concerned that it is not being monitored by Enbridge or EPA. Officials in this community questioned why this well was not being recognized. They stated that Enbridge has not demonstrated why they should not be concerned. These officials said that the ground-water monitoring program does not go far enough (geographically). The officials said that, as a safety measure, they had shut down the well and had to slowly bring it back up. This cost the community money that they did not have and have not been reimbursed for this expense. These officials and many others interviewed stated that they would like to see long-term monitoring of area ground water because “no one knows when it could show up.” A few people specifically stated that they would like to see independent testing of the ground water.

People interviewed also expressed concern about the effect of contaminated ground water being used for irrigation on area farms.

#### **3.4.4 Communication Problems**

Eighteen people interviewed stated that they felt there has been a lack of communication on behalf of the agencies involved in the cleanup. A few said that they thought that there was confusion in the beginning, but after that, the communication was “ok.” One person said that the communication especially broke down when it came to communicating with people that had left their homes. Unfortunately, the agencies did not have contact information for all of those individuals. The interviewee said that the agencies should have ensured that they had a way to reach everyone that was displaced.

Still others said communication still remains a problem. Some of these people said that there has not only been a lack of communication, but a problem with conflicting information stating that they sometimes got contradictory information from the agencies involved in the cleanup. One person said she thought there needs to be a reliable source for information and that information needs to be released regularly (even when there is nothing new) in order to stop the rumor mill. A few people interviewed said that the agencies need to be upfront and honest and proactive not reactive. They further said that honesty will go a long way in gaining the trust of the community. The lack of communication was evidenced by the fact that during the community interviews many people in the various communities thought that EPA had stopped working on the site when the Agency thought it had made it clear that the cleanup was still ongoing. People interviewed stated that they were very concerned that they thought EPA had left. People said that because people could not see the people working on the site over the winter, they thought the agencies had left.

Eight people expressed concern that Enbridge is staffing the tip line. These individuals stated they did not think Enbridge staff should answer the tip line because people do not feel free to ask the questions they would like to ask or give the information they would like.

A few people interviewed said that they thought the information flow was very open and that the unified command handled things smoothly.

### 3.4.5 Local Economic Impacts

Fifteen people interviewed stated that the oil spill has had an economic impact on the local community in various ways. Some people expressed concern about the potential effect on property values, particularly those homes close to the spill area or along the river. They said that while Enbridge has purchased some of the homes, homes located just outside of the area eligible for Enbridge's purchase offer (outside the red zone) might still have a stigma attached to them, which could in turn have an effect on their value. A couple people said that they believed people living in some of those homes feel trapped (especially those with younger children) and are afraid to raise their children there. People also expressed concern that Enbridge could release all of the homes it purchased at the same time thereby flooding the real estate market. A few city of Marshall residents said that the housing market was already depressed and the stigma of the spill is not helpful. One local realtor stated that this could be devastating to their housing market. In addition, a few people interviewed expressed concern that the property values affect the taxes that the local communities collect. They stated that lower property values will cause lower taxes, which would mean less money for community services such as police and fire, affecting the whole community.

Several people interviewed stated that Enbridge has tried to make amends and has been supportive financially to the community, reimbursing residents and businesses with economic losses and funding local projects. These individuals, however, question how long that will last. A few people said they thought that some people had taken advantage of Enbridge. One person said that, while he thought Enbridge has been financially supportive, people have still been thrown out of their homes and lost businesses and that no amount of money can completely make up for that.

In addition to the negative economic impacts to the local communities, people interviewed also talked about the positive economic impact of the influx of contractors into the area to clean up the spill. These contractors filled local hotels and restaurants providing an economic boost to the area. One person said, however, that this influx caused other businesses to lose sales that tourists would have provided.

### 3.4.6 Evacuation

Nineteen people interviewed stated that they believed that there should have been an immediate mandatory evacuation. They said that people were forced to potentially put their health at risk if they could not afford to leave or had nowhere to go. They said that a few people right by the spill were forced to go and reimbursed for housing, but not enough.

Four people said they thought there should still be an evacuation to get people away from the river. These individuals said that when they are away from the river, they feel better, but get sick when they return. They further stated that people are just leaving their neighborhood and turning over titles just to get away. They stated that they had to do their own evacuation during the spill and had to find their own hotel, which they said they could not really afford.

Several people said that “if it gets really bad again this summer, you need to do a mandatory evacuation.”

### 3.4.7 Environmental Impacts

Nineteen people interviewed expressed concern about the environmental effects caused by the spill. Several people said they were concerned about both the short-term and long-term impact on the river. One individual said she questioned whether the river could ever be brought back to the way it was, saying that it is “heartbreaking.” A couple people expressed concern about the safety and condition of the Kalamazoo River. These individuals, and several others, were concerned about the potential for the cleanup to cause erosion of the river banks. A couple people questioned whether vegetation would be planted after the cleanup to stop erosion. Another person expressed concern about the long-term impact on the river sediment and said that he was worried about the invertebrates. Still another said that they knew that not every last drop can be removed and thinks EPA needs to start making that clear to people and why that is the case.

Ten people said that they believed that the spill had really affected area wildlife. One person said that much of the wildlife had left, which was good for now, but that she hoped the wildlife would return once the site is cleaned up. One person said he was concerned about the marshland, frogs and overall loss of habitat. This individual said that he were concerned about habitat restoration. Another individual said the spill had seriously impacted birds and mammals as well – saying it was “devastating to the wildlife.” One person expressed concern about the potential affect on the food chain. Five people said that they heard the some of the rescued

animals were hurt because the building the animals had been housed in had problems.

A couple people interviewed expressed concern about the potential damage to the native wild rice. This rice is endangered and people in the area have been working hard on reintroducing growing the rice. These individuals said they were concerned that the contamination might harm their efforts. Another person said that plant-based medicines from the area used by local tribe members had been damaged and that these medicines cannot be found anywhere else.

One local official stated that she was concerned that the spill will have a negative impact on the storm water management program and the way people feel about what they dump in the drains. She worries that people might question what difference it makes what they put down the drain when someone like Enbridge spilled all that oil. Another person interviewed said that she was concerned about the potential impact the oil might have on the PCBs in the Kalamazoo River downstream. She wondered if the oil could act as a solvent with the PCBs.

Finally, a local official said that he would like to see a long-term study of the impact on the environment. He said that this was a good chance for EPA to study the effects of an oil spill in fresh water.

### 3.4.8 Pipeline Concerns

Nine people interviewed expressed concern about the pipelines running through their community. Several people said that they did not even know the pipelines were there and said that they believed many people in the area were unaware of the pipelines. A couple people stated that they knew some people that did not even know that a pipeline went right past their home. A couple people said that they believed that people knew at one time, but that they had just forgotten about them. Another couple people said they wanted to know if all the oil lines are being checked to be sure this does not happen again. They further wanted to know if people living along the lines were being informed about their locations. These individuals also stated that the “pipelines were built a long time ago, so common sense would tell you that there could be problems.”

A few of the people expressed frustration that, as they understood it, neither Enbridge nor local officials knew exactly what was running through the pipeline at the time of the spill. They stated that they thought that someone should know at any given moment what exactly is in the pipeline. They further said that they thought it took “way too long” to find out what was in the pipeline. These individuals said they wondered if it would have been better if the agencies doing the cleanup knew

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immediately what they were dealing with. Several people said that they thought Enbridge was not disclosing what was in the pipeline fully in the beginning because they said they believe Enbridge had to know what the material was. These people said they thought it was criminal negligence that Enbridge did not immediately disclose the actual contents and that Enbridge “crossed the line of common decency.

#### **3.4.9 Increased Traffic**

Eleven people interviewed expressed frustration with the increased traffic. While all understood that it was necessary for the cleanup, people said they were not happy about the traffic delays and noise. People said that semis were going in and out of the area constantly. A couple officials said that some of the trucks were too heavy for the roads, but they had to allow them to get the work done. These officials said that the trucks did cause damage to area roads and questioned if Enbridge could be requested to help pay for the damage to the roads.

#### **3.4.10 Public Meeting Concerns/Comments**

All of the people interviewed stated that they thought that public meetings were a good way to get information out to the community. However, they did not all agree on the format they thought was most effective. Some said they thought the breakout sessions were a helpful way to get their questions answered, while others said the breakout sessions were not helpful. Of those individuals that did not find the breakouts helpful, they explained that they did not like the breakouts because during them they were sent from agency to agency to get there answers often getting conflicting answers or in some cases, no answer at all. They said that the content of the meetings was good, but the format was bad. These individuals said that, at a minimum, this caused confusion, but in addition it made them suspicious. These individuals said that the format lead them to believe it was a way to avoid answering some questions. They said that they thought that EPA should allow time at the public meetings for at least some questions and answers to be addressed before the breakouts. They said that this way, people can get the answers they needed and in front of the whole group so that everyone can benefit from the information. These people said that many people would benefit from hearing others questions and the answers to those questions.

A couple people interviewed said that people in the community were happy that the “higher ups” of both the agencies and Enbridge were at the meetings. They said they believed that this showed how seriously the spill was being taken and that went a long way in their minds. One person said there were not enough meetings in the beginning. Another said that there were enough meetings, but not enough answers in the beginning.

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### 3.4.11 Cleanup Efforts

Twelve people interviewed expressed comments, concerns and questions regarding the cleanup. A couple people said they thought in the beginning the cleanup did not move fast enough, but now understand how much it takes and think it went very well. Another couple people said they thought things went smoothly. They said it seemed to take about a week to really get the whole process up and running and some people along the creek and river may have thought that was way too long, but these individuals interviewed thought it was understandable to get the equipment on site and the people in place. Two people said they were frustrated that the cleanup, in their opinion, seems to require a consensus of all of the agencies and Enbridge. They said they thought EPA should just be able to tell Enbridge what to do. Several people expressed concern about oil that was carried inland due to high water levels at the time of the spill. They were concerned that some of the oil deposited inland will never be found. A few of those concerned about the inland oil said that they had heard that the oil inland was being covered up and not cleaned. Two people said they were worried about the longevity of the oil in the soil. One individual interviewed said he was worried that dredging would cause more damage than leaving the oil in place. This person thought that perhaps some oil will have to be left and he is frustrated about that. A few people questioned whether the oil will be re-suspended during the dredging. A few people said that it was their understanding that there are many “unknowns” about the type of oil that was spilled, how it reacts in fresh water, and what it breaks down into. One person said he was concerned that Enbridge may have gone into areas previously determined to be sensitive habitats to do the cleanup. A few people said that they heard that Enbridge was going to demolish mobile homes that it had purchased. These individuals said they thought that would really upset the people that live next door to those mobile homes – they will not feel safe. One person interviewed said he heard people are worried that EPA will use dispersants. Another said “please don’t use us as guinea pigs.” Several people questioned how EPA will know if the site is clean. Several other people questioned if the air will be monitored during the cleanup. They said it seems like the monitoring has been “just quick drive by” monitoring – not any real ongoing monitoring. Finally, one person said she did not believe the site would ever be cleaned up. It is important to note that virtually everyone interviewed said that all of the people that came to the community to work on the cleanup were polite and respectful.

### 3.4.12 EPA Involvement

Nine people interviewed stated that they were pleased with how EPA was handling the cleanup of the site. They said that they would like to see EPA involved as long as possible. They further stated that they did not believe the state of Michigan could handle such a cleanup and expressed concerns about the potential for the site to be turned over to the state in the future. One person said that EPA staff acted as if it was their own community. A few people said that they believed Enbridge was only going as far as EPA is requiring them to and that EPA should really “come down” on the company and tell them what to do.

### 3.4.13 Communication Techniques

Several people interviewed expressed concern about the lack of communication, particularly in the past, regarding cleanup.

When asked about the best ways for EPA to communicate information, people suggested the following methods:

- The Internet – e-mail, Web pages, You Tube, blogs
- Twitter
- Television – particularly TV3 or TV8
- Newspapers
- Talk radio
- Local cable access
- Meetings (when held, allow open question-and-answer sessions)

Some people said that EPA Web site is a little cumbersome but fine. One person said some of the information on the site was too technical, but it is good as long as there was also a simplified explanation.

## **4. HIGHLIGHTS OF THE COMMUNITY INVOLVEMENT PROGRAM**

Community involvement objectives and activities have been developed to encourage public participation during upcoming activities at the site. They are intended to ensure that residents and interested officials are informed about activities taking place at the Enbridge Oil Spill site and, at appropriate times, have opportunities to provide input during the cleanup. To be effective, the community involvement program must be formulated according to the community's need for information, and its interest and willingness to participate in the process.

The following objectives have been developed as a guideline for the implementation of community involvement activities.

### **4.1 ENLIST THE SUPPORT AND PARTICIPATION OF LOCAL OFFICIALS AND COMMUNITY LEADERS**

Local officials and community leaders provide an invaluable resource in EPA's effort to understand and monitor community concerns. Local officials' and community leaders' frequent contact with residents provides direct lines of communication in which questions and concerns may be addressed or referred to EPA. It is essential that local officials be informed of site activities, plans, findings, and developments. Appropriate officials and community leaders to keep informed and involved include individuals listed in Appendix C of this CIP.

### **4.2 IDENTIFY AND ASSESS RESIDENT PERCEPTION OF THE SITE**

Information regarding resident concern and perception of the site is indispensable. As of the publication of this document, the primary concerns are: long-term human health, potential ground-water contamination, the closure of Talmadge Creek and the Kalamazoo River. Understanding these concerns will help EPA focus the level of effort for community involvement at the site. Background information and the direction of local concern will determine those activities that best meet the community's needs.

### **4.3 PROVIDE FOLLOW-UP EXPLANATIONS ABOUT TECHNICAL ACTIVITIES AND CONTAMINANTS**

Concise, easily understood and timely information should be available to area residents concerning the schedule of technical activities, their purpose and their outcome. A written, basic description and discussion of the oil and any other contaminants found should be provided so that residents understand possible threats to the public. The community involvement staff should also attempt to identify special situations or concerns where more specialized information is desired by individuals or groups. Finally, to ensure that inquiries from the community are handled efficiently and consistently, EPA should continue to maintain a single point of contact.

### **4.4 INFORM THE COMMUNITY ABOUT THE PROCEDURES, POLICIES AND REQUIREMENTS OF THE EPA EMERGENCY RESPONSE AND REMOVAL PROGRAM**

Many individuals interviewed regarding the Enbridge Oil Spill site did not fully understand EPA's Emergency Response and Removal program. To dispel possible confusion about EPA's purpose and responsibilities at the site, an effort should be made to circulate basic information to the community describing the process. EPA terms, abbreviations and acronyms, policies and procedures should also be explained as site activities continue.

As the cleanup progresses, it will also be worthwhile to evaluate the effectiveness of the community involvement activities in providing information to residents and encouraging resident participation.

## **5. COMMUNITY INVOLVEMENT TECHNIQUES**

U.S. laws and EPA policy require that certain community involvement activities be conducted at designated milestones during the investigation and cleanup process. In addition, the Agency undertakes other activities to strengthen its communication with those affected by the contamination. A member of EPA community involvement staff has been designated to respond directly to media and public inquiries regarding site activities. Activities that will be conducted during the cleanup of the contamination are described below.

### **5.1 MAINTAIN CONTACT WITH LOCAL OFFICIALS, COMMUNITY LEADERS AND RESIDENTS**

The process of community interviews has already established an initial communications link between the community and EPA. Furthermore, the community involvement coordinator for the site has been designated by EPA as a contact person (See Appendix C – EPA Representatives). Access to a contact person reduces the frustration that may accompany attempts to obtain information and communicate with the several agencies and organizations involved in the cleanup. The community involvement coordinator will continue to maintain contact with the appropriate local officials, community leaders and residents to provide them the opportunity to address any issues that may arise during the cleanup at the site.

### **5.2 PROVIDE SITE AND THE EPA EMERGENCY RESPONSE AND REMOVAL PROGRAM INFORMATION ON THE INTERNET**

Many persons interviewed have access to and are accustomed to using the Internet. Residents and officials whom EPA staff met with during the community interviews said that they would like to see site documents on the Web site.

Information on EPA's Emergency Response and Removal Program and the site will be provided on the following EPA Web site:

<http://www.epa.gov/enbridgespill/index.html>

### **5.3 MAINTAIN INFORMATION REPOSITORIES**

EPA policy requires the establishment of an information repository for any site where EPA cleanup activities are being conducted. An information repository is a designated location (usually a library or other public building), which houses a file of site-specific documents and general information about EPA programs. A site file found in an information repository typically includes legal documents, work plans, technical

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reports, and copies of laws that are applicable and relevant to activities at the site. Establishment of an information repository makes the site-related information more accessible to the public. EPA has established three repositories for the Enbridge Oil Spill site. Their locations are listed in Appendix B of this CIP. Many documents, plans and other finalized written materials generated during the investigation and cleanup will be placed in the repositories. EPA will notify community groups, local officials and interested residents on the mailing list of their locations.

#### **5.4 COORDINATE WITH THE OFFICE OF PUBLIC AFFAIRS ON NEWS RELEASES**

Prepared statements will be released to local newspapers and radio and television stations to announce any significant findings at the site during the cleanup, and to notify the community of any public meetings. Additional news releases are advisable at the completion of the cleanup. The Community Involvement Section will coordinate with the Office of Public Affairs on the writing and distribution of news releases to the news media in Appendix C and other appropriate news media. News releases will be included in the site file at the information repositories and posted on the site's Web page at: <http://www.epa.gov/enbridgespill/news-archive>.

#### **5.5 PREPARE AND DISTRIBUTE FACT SHEETS OR UPDATE REPORTS**

Fact sheets and update reports, written in non-technical language and produced to coincide with particular milestones during the cleanup, are intended to provide the community with information about the site. These will be placed in the information repositories and sent to all parties on the mailing list. In addition, other fact sheets or update reports may be developed to respond to specific community information needs. Information will also be placed on EPA's Web page at: <http://www.epa.gov/enbridgespill/index.html>. Fact sheets may also be published in local newspapers. Fact sheets and update reports will be translated into Spanish to accommodate Spanish-speaking residents.

#### **5.6 HOLD PUBLIC MEETINGS AND HEARINGS**

A public meeting provides an opportunity for EPA to present specific information and a proposed course of action. The EPA staff is available to provide information and answer questions. A public meeting is not a formal public hearing where testimony is received. Instead it might be a meeting to exchange information or comments. Public meetings provide community members with an opportunity to express their concerns to and ask questions of the EPA, state, or local government officials. In addition,

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EPA holds informal open-house style meetings, called availability sessions, where residents can meet EPA experts one-on-one to discuss the activities at the site. Public meetings or informal availability sessions may be held at various times throughout the cleanup. Scheduling meetings should remain flexible to account for technical milestones and public interest.

A public hearing is a formal meeting where EPA officials hear the public's views and concerns about an EPA action or proposal. There are specific regulations about when EPA is required to consider such comments when evaluating its actions. Public hearings are recorded by a professional transcriber and become part of the official site record. The comments also are posted to the Web.

## **5.7 PUBLISH NOTICES OR NEWSPAPER ADVERTISEMENTS**

A public notice may be placed if significant findings are made during the cleanup at the site or upon completion of the cleanup. Notices or newspaper advertisements also will be published to announce public meetings and hearings conducted by EPA.

## **5.8 SITE TOURS**

If feasible, EPA may arrange a site tour for residents and local officials. Many people interviewed stated that they would like to see, in person, what the cleanup involves. Holding an open house along the river would allow the technical team an opportunity to show the community what is being accomplished.

## **5.9 EXPLAIN THE ROLES OF ALL OF THE AGENCIES INVOLVED**

At this site, there are numerous governmental agencies involved. Several people interviewed stated that it was confusing which agency was responsible for what. To dispel this confusion, EPA will explain the roles of everyone involved. This information will be presented in a fact sheet and also on EPA Web site.

## **5.10 SPEAK TO COMMUNITY GROUPS**

On request and based on availability, EPA staff will speak to smaller community groups. If feasible, EPA will also secure a booth at the Calhoun County Fair and or at other community events to distribute site information and talk to community members.

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## 5.10 MAINTAIN SITE-DEDICATED TELEPHONE LINES

EPA has established a toll-free telephone number for residents to call about site information. In addition, Enbridge has set up a local tip line. These numbers listed below will be maintained throughout the cleanup.

- EPA toll-free public hotline for this emergency – 800-306-6837
- EPA Enbridge oil spill tip line – 269-781-1914

## 6. COMMUNITY INVOLVEMENT ACTIVITY TIMEFRAME

**Figure 2**  
**Timeframe for Community Involvement Activities**

Community Involvement Activities	Timeframe
1. Maintain contact with local officials, community leaders and residents	Ongoing
2. Provide site and Superfund information on the Internet	Ongoing
3. Maintain information repositories	Ongoing
4. Coordinate with the Office of Public Affairs on news releases	As needed
5. Prepare and distribute fact sheets or update reports	As needed
6. Hold public meetings and hearings	As needed
7. Public notices or newspaper advertisements	As needed
8. Site tours	As needed
9. Explain the roles of the agencies involved	As needed or requested
10. Speak to community groups	As needed or requested
11. Maintain site-dedicated telephone lines	Ongoing

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## APPENDIX A

### GLOSSARY

#### **Clean Water Act**

The Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1977.

Under the CWA, EPA has implemented pollution control programs such as setting wastewater standards for industry. EPA also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

#### **Community Involvement Plan**

A plan that outlines specific community involvement activities that occur during the investigation and cleanup at the site. The CIP outlines how EPA will keep the public informed of work at the site and the ways in which residents can review and comment on decisions that may affect the final actions at the site. The document is available in the site's information repository maintained by EPA. The CIP may be modified as necessary to respond to changes in community concerns, information needs and activities.

#### **Comprehensive Environmental Response, Compensation, and Liability Act**

A federal law passed in 1980 and modified in 1986 by the Superfund Amendments and Reauthorization Act. Under the program, EPA can either:

- Pay for site cleanup when parties responsible for the contamination cannot be located or are unwilling or unable to do the work; or
- Take legal action to force parties responsible for site contamination to clean up the site or pay back the federal government for the cost of the cleanup

#### **Emergency Response Action**

If a site poses an immediate threat to public health or the environment, an emergency response action will be taken immediately to stop the threat.

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### **National Contingency Plan**

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to oil spills and hazardous substance releases. The NCP was developed and published in 1968 in response to a massive oil spill. This plan provided the first comprehensive system of accident reporting, spill containment and cleanup, and established a response headquarters, a national reaction team and regional reaction teams.

Congress has broadened the scope of the NCP over the years. As required by the Clean Water Act of 1972, the NCP was revised the following year to include a framework for responding to hazardous substance spills as well as oil discharges. Following the passage of the Superfund law in 1980, the NCP was broadened to cover releases at hazardous waste sites requiring emergency removal actions. Over the years, additional revisions have been made to the NCP to keep pace with additional legislation. The latest revisions to the NCP were made in 1994 to reflect the oil spill provisions of the Oil Pollution Act of 1990.

It is in accordance with the NCP that EPA is required to conduct community interviews and develop a community involvement plan.

### **Oil Pollution Act**

The Oil Pollution Act was signed into law in August 1990, largely in response to rising public concern following the Exxon Valdez incident. The OPA improved the nation's ability to prevent and respond to oil spills by establishing provisions that expand the federal government's ability, and provide the money and resources necessary to respond to oil spills. The OPA also created the national Oil Spill Liability Trust Fund, which is available to provide up to \$1 billion per spill incident.

In addition, the OPA provided new requirements for contingency planning both by government and industry. The National Oil and Hazardous Substances Pollution Contingency Plan has been expanded in a three-tiered approach: the federal government is required to direct all public and private response efforts for certain types of spill events; area committees -- composed of federal, state, and local government officials -- must develop detailed, location-specific area contingency plans; and owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own facility response plans.

Finally, the OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the federal

government, and preserved state authority to establish law governing oil spill prevention and response.

### **Oil Spill Liability Fund**

Under the Oil Pollution Act of 1990, the owner or operator of a facility from which oil is discharged (also known as the responsible party) is liable for the costs associated with the containment or cleanup of the spill and any damages resulting from the spill. EPA's first priority is to ensure that responsible parties pay to clean up their own oil releases. However, when the responsible party is unknown or refuses to pay, funds from the Oil Spill Liability Trust Fund can be used to cover removal costs or damages resulting from discharges of oil.

The primary source of revenue for the fund was a five-cents per barrel fee on imported and domestic oil. Collection of this fee ceased December 31, 1994, due to a "sunset" provision in the law. Other revenue sources for the fund include interest on the fund, cost recovery from the parties responsible for the spills and any fines or civil penalties collected. The Fund is administered by the U.S. Coast Guard's National Pollution Funds Center.

### **Superfund**

The commonly used term for the Comprehensive Environmental Response, Compensation and Liability Act (see Page A-1).

### **Superfund Amendments and Reauthorization Act**

Modifications to the Comprehensive Environmental Response, Compensation and Liability Act enacted October 17, 1986.

## APPENDIX B

# INFORMATION REPOSITORIES AND PUBLIC MEETING LOCATIONS

### B.1 INFORMATION REPOSITORIES

The information repositories for the Enbridge Oil Spill Site is available for public review at the following locations:

#### **Marshall District Library**

124 W. Green St.  
Marshall, MI 49068

269-781-7821

#### Hours:

Monday – Thursday: 10 a.m. – 8:30 p.m.  
Saturday: 10 a.m. – 3 p.m.  
Sunday: 1 p.m. – 4 p.m. (Sept. – May)

#### **Helen Warner Library**

36 Minges Creek Place  
Battle Creek, MI 49015

269-979-8072

#### Hours:

Monday – Thursday: 10 a.m. – 8 p.m.  
Friday: 10 a.m. – 6 p.m.  
Saturday: 10 a.m. – 5 p.m.  
Sunday: 1 p.m. – 5 p.m. (Sept. – May)

#### **Willard Public Library**

Van Buren St. W  
Battle Creek, MI 49017

269-968-8166

#### Hours:

Monday – Thursday: 9 a.m. – 9 p.m.  
Friday: 9 a.m. – 6 p.m.  
Saturday: 9 a.m. – 5 p.m.  
Sunday: 1 p.m. – 5 p.m. (Sept. – May)

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**U.S. EPA Region 5**  
Documents Management Section  
77 W. Jackson Blvd.  
Chicago, IL 60604

312-886-6541 (Call for an appointment)

## **B.2 PUBLIC MEETING FACILITIES**

**Marshall Activity Center**  
15325 W. Michigan Ave.  
Marshall, MI 49068

Capacity: 600 people (Gym)  
63 people (Conference Room 1)  
8 people (Conference Room 2)

Contact: Jimmy Biggs 269-781-7091  
Fax: 269-781-7323

**Marshall High School**  
701 N. Marshall Ave.  
Marshall, MI 49068

Capacity: 350 people (Auditorium)  
350 people (Cafeteria)  
1100 people (Gym)

Contact: Rhonda Stepp 269-781-1252  
Fax: 269-781-5304

**Marshall Middle School**  
100 E. Green St.  
Marshall, MI 49068

Capacity: 750 people (Auditorium)

Contact: Barbara Gary 269-781-1251  
Fax: 269-781-6621

**Burnham Brook Community Center**

200 W. Michigan Ave.  
Battle Creek, MI 49017

Capacity: 16 people (Main Floor Office)  
85 people (Valentine Room)  
90 people (Angela Wisely Room)  
120 people (1/2 Multi-Purpose Room)  
500 people (Multi-Purpose Room including Alcove)

Contact: Maya Williams 269-965-0000, Ext. 222  
Fax: 269-965-0021

**Kalamazoo Community College**

Arcadia Commons Campus  
202 N. Rose St.  
Kalamazoo, MI 49007

Capacity: 98 people (Large Conference Room)  
84 people (Museum Theater)

Contact: Annette Arkush 269-373-7809  
Fax: 269-373-7892

**Kalamazoo Community College**

Texas Township Campus  
6767 W. "O" Ave.  
Kalamazoo, MI 49003

Capacity: 465 people (Theater)

Contact: Denise Morrison 269-488-4204  
Fax: 269-488-4773

**Kalamazoo County Expo Center and Fairground**

2900 Lake St.  
Kalamazoo, MI 49048

Capacity: 80 people (Room C)  
150 people (Room B)  
750 people (Room A)  
900 people (Room E)  
2,000 people (Hazel Gray Room)

Contact: Mandy Eldred 269-383-8761  
Fax: None listed

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## APPENDIX C

### LIST OF CONTACTS (as of May 2011)

#### C.1 FEDERAL ELECTED OFFICIALS

Senator Carl Levin  
269 Russell Senate Office Building  
Washington D.C. 20510

202-224-6221  
Fax: 202-228-6321  
Web: levin.senate.gov

**District Office**

124 W. Allegan, Suite 1810  
Lansing, MI 48933-1716

517-377-1508  
Fax: 517-377-1506

Senator Debbie Stabenow  
133 Hart Senate Office Building  
Washington, D.C. 20510

202-224-4822  
Fax: 202-228-0325  
E-mail:senator@stabenow.senate.gov

**District Office**

221 W. Lake Lansing Road, Suite 100  
East Lansing, MI 48823

517-203-1760  
Fax: 517-203-1778

Representative Tim Walberg  
418 Cannon Office Building  
Washington, D.C. 20515

202-225-6276  
Fax: 202-225-6281  
Web: walberg.house.gov

**District Office**

800 W. Ganson St.  
Jackson, MI 49202

517-780-9075  
Fax: 517-780-9081

Representative Fred Upton  
2183 Rayburn Office Building  
Washington, D.C. 20515

202-225-3761  
Fax: 202-225-4986  
E-mail:<https://upton.house.gov/Contact/>

**District Office**

157 S. Kalamazoo Mall, Suite 205  
Saginaw, MI 48607-1370

269-385-0039  
Fax: 269-385-2888

**C.2 STATE ELECTED OFFICIALS**

Governor Rick Snyder  
Office of the Governor  
P.O. Box 30013  
Lansing, MI 48909

517-373-3400  
Fax: 517-335-6863  
E-mail:michigan.gov/gov

Senator Mike Nofs  
P.O. Box 30036  
Lansing, MI 48909-7536

517-373-2426  
Fax: 517-373-2964  
E-mail: mailto:senmnofs@senate.michigan.gov

**District Office**

No district office

Senator Tonya Schuitmaker  
P.O. Box 30036  
Lansing, MI 48909-7536

517-373-0793  
Fax: 517-373-5607  
E-mail:[http://www.senate.michigan.gov/ima\\_form.asp?name=COMMENT20&form\\_path=e:/webforms/rep](http://www.senate.michigan.gov/ima_form.asp?name=COMMENT20&form_path=e:/webforms/rep)

**District Office**

No district office

Representative Kate Segal  
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Lansing, MI 48909

517-373-0555  
Fax: 517-373-5761  
E-mail:katesegal@house.mi.gov

**District Office**

No district office

Representative James Bolger  
P.O. Box 30014  
Lansing, MI 48909

517-373-1787  
Fax: 517-373-9119  
E-mail:JamesBolger@house.mi.gov

**District Office**

No district office

Representative Kenneth Kurtz  
P.O. Box 30014  
Lansing, MI 48909

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E-mail:KennethKurtz@house.mi.gov

**District Office**

No district office

## C.3 COUNTY OFFICIALS

### C.3.1 Calhoun County

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Julie Camp Calhoun County Commissioner 315 W. Green St. Marshall, MI 49068	269-781-0930 Fax: 269-781-0915 E-mail: www.calhouncountymi.gov/ directory/contact/?StaffId=1221
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Art Kale Calhoun County Commissioner 315 W. Green St. Marshall, MI 49068	269-781-0930 Fax: 269-781-0915 E-mail: www.calhouncountymi.gov/ directory/contact/?StaffId=1431
Terris Todd Calhoun County Commissioner 315 W. Green St. Marshall, MI 49068	269-781-0930 Fax: 269-781-0915 E-mail: www.calhouncountymi.gov/ directory/contact/?StaffId=1662
Blaine VanSickle Calhoun County Commissioner 315 W. Green St. Marshall, MI 49068	269-781-0930 Fax: 269-781-0915 E-mail: www.calhouncountymi.gov/ directory/contact/?StaffId=1676

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190 E. Michigan Ave.  
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269-969-6341, Ext. 6398  
Fax: 269-969-0035  
E-mail: [www.calhouncountymi.gov/directory/contact/?StaffId=1480](http://www.calhouncountymi.gov/directory/contact/?StaffId=1480)

### C.3.2 Kalamazoo County

Peter Battani  
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(Published weekly on Saturdays)

(Advertisements can be placed in both the *Battle Creek Shopper News* and the *Advisor & Chronicle* by sending the ad to either paper.)

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